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NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

We publish a very able report to the senate, made by Mr. *Ewing*, of Ohio, on the distribution, among the several states, of the proceeds of the sales of the public lands, for a limited time—for the purposes of aiding public education, and internal improvement, &c. It is believed that the amount of this fund will, (in the present year, 1836), exceed twenty-seven millions of dollars; which, if distributed among the states, as surely it ought to be—(being a general fund, and originally intended for a specific object, now no longer demanding it),—must produce effects that will "astonish" the American community, and cause "the wilderness to blossom like the rose," uniting the most distant parts, and spreading the hum of industry into the yet unimproved "wilds" of the west; producing from 27, to *twice twenty-seven* millions a year for *further* distribution, and creating advancements in prosperity at a geometrical ratio, as it were, *ad infinitum*.

And there is no reason to apprehend that, at present, a stoppage of this prosperity can be brought about, unless from a single cause; and that is under our own guardianship. We allude to the excessive multiplication of banks—and the increasing practice of issuing paper money. It is true, that while the notes of banks freely pass, an improvement made by paper will be just as good as one made by the use of gold—will last as long, and do the same service. But this difficulty occurs—that the profits of *honest industry*, being paralized by the probable failure of many banks—the best portions of society are cast into the unproductive classes, and cease to add to the creations of general wealth, which are indispensable to the well being of a country. This, however, may be partially arrested by a late act of the patriotic state of *Pennsylvania*—by which 35 millions are retained to the state, and the United States, to correct abberations from duty in banks—instead of 35 millions being abstracted from the mass of *solid* matter to do good to us all. For, if the coinage of gold shall exceed the amount calculated by the most sanguine friends of the "gold bill," the effect will only be, for many years to come, to supply demands, for specie, to be made on the good banks. We shall need a circulation of several hundreds of millions of dollars—and the total of gold cannot be expected to amount to more than 10 or 15 millions* for a long period—do all that we can to increase it.

—

We have had so many things to bring up this week, that we are compelled yet further to postpone a sketch of the proceedings of the *last* meeting of the bank of the United States, under its lately expired charter, highly interesting as they are—but shall make a record of them an early day.

A new election has been held, and the following gentlemen will compose the board of directors for the new bank of the United States chartered by the state of *Pennsylvania*.

Nicholas Biddle,	Richard Price,
John Sergeant,	John Beylard, jr.
Thomas P. Cope,	Henry Troth,
Manuel Eyre,	James Worth, of Bucks,
John R. Neff,	Jno. Roberts, of Montgomery,
William Platt,	John Lippincott,
Charles Chauncey,	Amos Ellmaker, of Lancaster,
Ambrose White,	Charles Ogle, of Somerset,
Lawrence Lewis,	Wm. Robinson, jr. of Allegheny.
Matthew Newkirk,	John A. Brown.

March 1, 1836. At a meeting of the board of directors held this day, *Matthew L. Bevan*, esq. was duly elected president of the bank, in the place of Nicholas Biddle, esq. resigned. S. JAUDON, *cashier*.

—

The Albany Evening Journal, in announcing the winding up of the concerns of the branch bank in N. York, adds the following pithy commentary:

We are now rid of the "*monster*," and our citizens will no longer be compelled to borrow its money at *six per cent.* interest, but be left free to pay from *seven* to *fourteen* per cent. as circumstances and their necessities may require.

—

An English clergyman, at Brussels, has invented a motive power, which promises to rival steam. It is founded on the compression of fluids. Eight pails of water it is computed would be sufficient to carry a vessel to the East Indies!

—

The state convention which assembled at Columbus, Ohio, on the 22d ult. nominated Wm. H. Harrison for president, Francis Granger for vice president and gen. Joseph Vance for governor. This body was not less remarkable for the respectability and influence, than for the great number of its members. *There were one thousand and sixty-four delegates present*—and every county and district in the state was represented. The best spirit prevailed in this large body.

A state convention, having the same purposes, has also been held in New York—of which *John W. Taylor, esq.* was president.

—

The riots of certain of the working-people, at New York, had ceased. The master riggers and stevedores have had a public meeting, in which they disavow all agency in the late disturbances, entirely condemn it altogether, and declare their purpose not to employ any persons "known to have been engaged in the riots." This is just to themselves, and takes the true ground.

—

The Philadelphia price current of Saturday, says that during the last five weeks, there have been loaded daily in that city for Pittsburgh, thirty wagons, each carrying 6,000 lbs.

—

The bill granting a loan of three millions from the state to the Erie and Hudson rail road company, has passed the legislature of New York. According to estimates made by the engineers who surveyed the route, this is half the sum that will be required to complete the road.

—

THE PUBLIC LANDS. *The surplus revenue.* In the course of debate in the senate, Mr. *Ewing* (of Ohio) stated some striking, we may say astounding, facts, in regard to the revenue and the sales of public lands.

The amount of surplus revenue, or rather of unexpended revenue, already *exceeds thirty millions of dollars.*

The amount of receipts from sales of public lands during the last month (January) far exceeds any amount heretofore received, as appears from the following statement, by Mr. *Ewing*, of the amount received in the month of January, 1835, (then unusually large), and the amount received, as far as the several land offices have been heard from, during the corresponding month of the present year:

RECEIPTS FROM PUBLIC LANDS.

	In January, 1835.	*In January*, 1836.
Ohio,	42,861	111,145
Indiana,	160,893	531,234
Illinois,	56,745	223,087
Missouri,	45,721	126,585
Mississippi,	188,090	426,381
Alabama,	367,263	257,669
Louisiana,	10,248	79,169
Michigan,	43,072	290,749

Should the sales of public lands during the rest of the year bear the same proportion to other years, as is indicated by the sales in the month of January, the revenue from the sales of public lands alone, during the present year (1836) will exceed twenty-seven millions of dollars.

Should the proceeds of the sales of the public lands not be distributed, as proposed, among the states, nor the revenue divided in some other way, the *surplus revenue* will, in a year from this time, amount, upon reasonable calculation, to *fifty millions of dollars!* [*Nat. Int.*

*The Globe, however, supposes that the amount will be 25 millions at the end of 1837.

ARKANSAS. The convention of delegates chosen by the people of *Arkansas* to digest a constitution and state government, terminated its sitting on the 30th ultimo, after framing and agreeing upon, as the Gazette says, with great unanimity, a constitution and state government for the state of Arkansas. Before adjourning, the convention chose *C. F. M. Noland* to be the bearer of the constitution to this city. The constitution is to be accompanied by a letter to the secretary of state, signed by the president and countersigned by the secretary of the convention. A memorial to congress, asking the admission of the state into the union, was also adopted.

As far as we can judge from the published journal, the proceedings of this convention have been characterised by propriety and due deliberation. [*Nat. Int.*

BANKING CAPITAL. The banking capital of Louisiana will have been enlarged, before the close of the present session of the legislature of that state, to about *seventy-two millions of dollars!* Upon which it is supposed discounts are and will be made to the amount of one hundred and fifty millions of dollars. If the government of *Pennsylvania* is to be put down for incorporating thirty-five millions of *existing* bank capital—if conventions are to be called, and mob-law invoked, to punish the Pennsylvanians for daring thus to understand and pursue the true interest of their state, what shall be done with *Louisiana*, which has chartered new capital to an amount, (according to federal population), more than ten times as great as the old capital to which a new charter has been granted by *Pennsylvania?*

The progress of banking in *Louisiana* has been very rapid, though up to the present year it has not perhaps more than kept pace with the demand created by the increasing culture of sugar and cotton, and the increasing commerce of the port of New Orleans. The following statement of the progressive increase of bank capital in Louisiana will probably not be unacceptable to our readers:

In the year 1811, the amount was.....	$ 754,000
1815,.....	1,432,000
1820,.....	2,597,420
1830,.....	5,665,980
1834,.....	23,664,755
1835,.....	27,172,145
1836, about.....	72,000,000

Nat. Int.

BRIBERY. A bill has been reported in the Virginia legislature, by a committee, proposing to take a bribe of one-fourth of one per cent. per annum on the amount, for the incorporation of new banking capital, and the increase of old, to the aggregate amount of $6,960,000. This bribe is called in the bill a *bonus* to the state; but as the Richmond Enquirer insists on calling the bonus for education and internal improvements, which is to be given to Pennsylvania by the bank of the United States for a recharter, a *bribe*, we suppose the sum demanded by the legislature of Virginia for granting banking privileges must be considered a bribe also. If this be not very courteous language, it is at least the language of the court. [*Ib.*

OHIO AND MICHIGAN BOUNDARY. We shall lay before the public, in a few days, the report made on Tuesday, in the senate, by Mr. *Clayton*, from the committee on the judiciary, on the interesting subject of the northern boundary of Ohio. It is a document which discusses all the questions connected with the Michigan and Ohio controversy, and fully sustains the principle of the bill to establish the boundary by the line from the southern extreme of Lake Michigan to the most northerly cape of the Miami bay. The committee unanimously agreed that congress has the power thus to settle the boundary, and that it is expedient so to settle it. The results of the investigation by this committee, at the present session, are the same with those at which the same committee of the senate, though differently constituted, has twice before unanimously arrived. The reading of the report occupied more than an hour, and five thousand extra copies of it were then ordered to be printed. Since this report was made in the senate, we understand that the judiciary committee of the house have reported on the same subject. Their report, made yesterday (Wednesday) arrives, it is said, though we have not seen it or heard it read, at the same general results, and was made with nearly equal unanimity. [*Nat. Intel.*

VERY LATE FROM FLORIDA. A vessel arrived at Charleston on the 25th ult. from St. Augustine, which place she left on the preceding day.

There were seven hundred mounted men arrived at Jacksonville the 21st instant, from Georgia and South Carolina; they would leave next morning for Picolata. An express arrived from Picolata just as the *Mills* was leaving St. Augustine, which stated that general Scott had arrived there—18 or 20 reports of cannon were at the time in the direction of Picolata, (a salute probably.)

St. Augustine, Feb. 23. The militia of this city have been disbanded and disarmed by the orders of gen. Eustis. Considerable excitement prevails on the subject, as it is considered by some to be a disgrace. This measure is regretted by all, especially as the gallant corps of St. Augustine guards who fought so bravely at Dunlawton were included in the order, and were also disbanded. We know of no set of men more worthy of keeping their arms, and none who know how to use them better. Could not some means be devised to procure them arms so that this gallant corps of spirited young men should still continue to exist, and not die with the cause that called them into actual service.

The following is an extract of a letter from an officer of the army to his correspondent in this city, dated Fort Brooke, Tampa Bay, February 13, 1836:

"We arrived here on the 11th, after a very boisterous passage from New Orleans. Each day we have been expecting to start for Fort King, but as yet have been delayed from time to time, until we begin to think we shall not go there at all. We start this morning, however, for the woods, and, if we keep on to Wythlacoochee, it will be very well; if not, why no matter. There will be a force of 1,000 men to take the field, of which 450 will be regulars, and the balance militia. The prospects of a fight are pretty fair, and, in my next, I hope to inform you that we have met and captured a great many Indians. I am in a hurry now, so that you must excuse me for not writing more."

In addition to the above, we learn from other sources that gen. *Gaines* had reached Fort Brooke; that the sloop of war *Vandalia* was lying 14 miles below the fort, not being able to get nearer; and that, for some days before, Indian signs had been seen within from 12 to 20 miles of the fort.

TENNESSEE. The house of representatives refused, on the 12th February, to take up the expunging resolutions by a vote of 42 to 23. Some of those who are opposed to them voted for taking them up.

A letter from Valparaiso says—

"We have accounts here stating that Pekin has been destroyed by an earthquake and 100,000 houses engulphed—so that where the city stood there is now a black and stagnant pool." [Rather round-a-bout.]

The republics of *Peru*, *Bolivia* and *Chili*, are in a precious state of fighting and uproar, one with the other—through their rapacious generals and military plunderers.

ITEMS AND SCRAPS.

A singular relic. Among the many other curious papers preserved in the library of the Massachusetts Historical society at Boston, we have seen the leaf of a sermon enclosed in the handwriting of Dr. Eliot.

"Mr. Cotton Mather's leaf of a sermon which the devil was so spiteful as to *tear*."

The leaf itself has an appearance, in one corner, as if two pieces had been pinched out by the fingers, and near this appearance is the following memorandum in Cotton Mather's handwriting.

"While I was preaching at private fast, (kept for a possessed young woman) on Mark ix. 28, 29, ye devil in ye Damsel flew upon mee, and tore ye leaf, as it is now torn, over against ye text.

November 29, 1692."

The good doctor doubtless preserved this leaf to testify to all posterity of the actual presence of the evil one. What would sir Walter Scott have given for the possession of such a capital fact in Demonology? [*Greenfield Mercury.*

Greenfield, Massachusetts January 26. Mr. Aretas Ball, of Montague, in this county, had the good fortune to kill on the 20th ultimo, *three* wild turkies at *one* shot—weighing in all 45 lbs. The wild turkey is literally a *rara avis* in the forests of the more settled portions of New England, having followed the course of empire, and emigrated to the wild woods of the west. It is rare that our Yankee sportsmen have the luck to fall in with, and pick off one of them—much more rare to take down three at one shot.

The Memphis (Tenn.) Gazette of recent date, commences an editorial in the following blasphemous and shocking strain. It must be a bad cause that tolerates such editors, and requires such language to sustain it.

"The opposition of this quarter were perfectly astounded and amazed at the revocation of the nomination of judge White, by the legislature of Alabama. It was like the second coming of *Christ:* it came when they least expected it." [*Cincinnati Whig.*

Elementary education in France. From the report of M. Bonjay de la Meurthe. The population of France is 32,509,742 inhabitants. With respect to primary instruction, it may be divided into four classes. The first class composed of children below two years of age, to the number of 1,811,787. The second class, of children above two years and below six years of age, to the number of 2,744,524. The third class, of children above six and below fifteen years of age, to the number of 4 987,261. The fourth class, of adults, fifteen years of age and above, to the number of 22,966,170. The first class, below two years, is wholly under maternal care. The second class ought to be received in asylums, or infant schools, to receive preparatory instruction: 2,500,000 children of this class do not go to them. The third class ought to frequent the primary schools, properly so called: but, out of nearly five millions of children of this class, there are still 2,537,536, namely 838,803 boys and 1,698,733 girls, who never go to them at any time of the year;

and 3,740,804, viz: 1,705,890 boys and 2,039,914 girls, who do not attend them in the summer time.

Of the 21,966,170 adults, there are 14,355,856, namely, 5,741,542 males, and 8,612,314 females, who can neither read nor write.

Thus, the number of persons in France, who have no instruction whatever, both children and adults, is 19,391,392 persons; that is to say, sixty-three out of every hundred, or about three-fifths of the total population, deducting the 1,811,787 children under two years of age.

As deduction and complement of these results, the reporter adds these two tables.

Institutions which ought to exist.	Existing.	Wanting.
Infant Schools... 40,000	1,000	39,000
Primary do.....54,284	30,467	23,817
Female working do.... .20,000	1,000	19,000
Adult, do.....54,840	2,361	51,479
Total, 169,124	34,828	134,296

A question for antiquaries. In making some alterations in the chapel of the castle of Lassaraz, in Switzerland, there were lately found, in a vault which had been walled up, four statues and cenotaph in stone. Two of the statues represent females, and the other two armed knights. The cuirass of one of these is open, and two toads are seen gnawing his sides; his visor is also up, and two more of the same reptiles are fastened to his cheeks. The legendary history of this curious figure has not been discovered, but as the castle of Lassaraz played a distinguished part in the wars of the country in the middle ages, and as there are numerous chronicles of those times in the library at Lausanne, it possibly may be found there. There is a full length figure attached to the cenotaph, but the four above mentioned evidently do not belong to it. They are all, however, of the 14th century, and were not originally placed where they have been found; but were probably removed there for safety, during some of the convulsions of the country.

Extraordinary power of steam. An ingenious Englishman, named West, has lately erected, on a copper mine at St. Austell, a steam engine, on an economical principle of preserving the heat, in the manner, we should judge from the description, of professor Nott, of our country. In an experiment, it raised 125½ millions of pounds weight one foot high with every bushel of coals consumed!

M. Canson of Annonay, peer of France, has purchased an estate at Algiers, on which he intends to plant 200,000 mulberry trees, and also the sugar cane.

Two linguists, Kwanho and Yuen-foo, have been banished as traitors, for allowing the late lord Napier *to arrive at Canton* in the Amherst.

Wheeling, Feb. 5, 1836. It will be gratifying to our townsmen to know that the first stone of the bridge over the west branch of the Ohio was laid on the first day of this month—the western abutment at Bridgeport being on that day commenced. The island abutment will be commenced in the course of two or three weeks, and both go forward with all practicable expedition. The building of the piers must depend upon the state of the river. Should it early become low, they will be built before midsummer: should it continue as full as last season, they must be deferred till the fall. The timbers can be laid, and the bridge finished, in a month afterwards.

When the bridge over the eastern or main branch of the river is determined on and about to be commenced, we hope the energetic contractor will not take our citizens by surprise in laying the foundation, as he has done on this occasion.

That event should be accompanied with appropriate ceremonies. The day should be greeted with the loudest welcome that all our bells and all our artillery can bestow: every steamboat, keel and flat boat, should raise high their banners: the great statesman of the west and ardent patron of the national road, HENRY CLAY, should lay the corner stone: an orator should be appointed on the part of the corporation, and another on the part of the different trades and professions: and at night the town should be illuminated. The day that sees begun the *first bridge across the Ohio* should be a memorable one to our annals.

We understand that Mr. Laberon, the builder, has taken the opportunity afforded by the covering of the river with ice, to measure the precise distance between the abutments. It is, for the west branch, 625 feet; for the east branch, 855. This, then, is the width of the river at the ordinary stage of water in the navigable season—main branch 285 *yards*, lesser branch 208 do. [*Times.*

The convents of Switzerland, are not only numerous but possessed of large wealth. That of Rheneau is estimated at a million of florins.

There were 80 fires in the city of Philadelphia, and its suburbs, last year—the aggregate damage of which was estimated at $119,200.

The governor of the workhouse at Alvington, in Gloucester, England, received a communication from a pauper a short time ago, stating the terms on which the gentleman would graciously consent to become an inmate of the house, in these words: "For the azement of my mind I have set down the prinicble part of what I subzist upon. Tee for breckfust, a little tozt well buttered. For dinner, a little mutton and bred, and half a point of good hale. In the evening tee and a boiled eg. The mutton must be lane. I always sleeps in blankets. In this way I have contrived to live nearly eighteen months. Without these trifels I cannot do." [*Nat. Gaz.*

It appears, by the Havana statistics, says the Boston Mercantile, that two-thirds of the sugar and coffee, and probably nearly all the molasses, shipped from thence and Mantanzas, come to the United States, and most of the two first articles to European markets is carried in our vessels.

The duchess de Dantzic, widow of marshal Lefevre, died on Monday morning at the age of 76. She has left a fortune of upwards of 15,000,000 francs to the neices of her late husband. [*Galignani's Messenger.*

Sixteen cases of steel armor, manufactured at Paris expressly for the popular drama of the Jewess, have arrived at Drury Lane.

The axle of the tender on the Charleston rail road gave way, which destroyed five freight and baggage wagons. It happened about 65 miles from Charleston—fortunately no persons were injured.

The duke of Buccleugh has given to the heirs of Hogg, the poet, a lease of the farm at Altrive for ninety-nine years, for a pepper corn per year. It is a noble act, notwithstanding the duke has an annual income of a million of dollars.

BRIEF NOTICES—CHIEFLY OF NEGLECTED ARTICLES.

The *Constitution* frigate, commodore Elliott, has been at Athens, when she was visited by the king of Greece, and some of his superior chiefs, with much courtesy.

It seems agreed, that the condition of the mails was never quiet so bad as at present. We have grevious complaints from all quarters. The "Louisville Journal" says—

"If some of our eastern friends will have the goodness to put a few coals of fire upon the backs of Mr. Kendall's mail-terrapins, they will very much oblige us."

Bowen, the black man, who attempted the life of his mistress, in Washington, has been respited until the 2d of June—by the president of the United States.

Robert J. Walker, the new senator from the state of *Mississippi*, appeared on Monday, the 22d ult. was qualified, and took his seat.

Persons in various parts of the country, taking advantage of the deep snow, have committed great slaughter among the deer, who are benumed by the cold, and deprived almost of food, and therefore rendered very docile. A man near Binghampton, (according to the Broome county, N. Y. Republican), has killed forty. Another, more humane, has caught a full-grown deer, led it to his home, where it partook of the food that was offered it, and soon became quite tame.

Mr. Gay's power-loom for weaving silk has been found eminently successful at Providence, R. I. The lathe performs 140 strokes per minute. The fabric is equal to the imported article. The little girl who attends it says she can take care of four at a time, turning off 100 yards per day.

The ice on the river Schuylkill is said to be from 22 to 24 inches thick. Should it move off while in a solid state, by a high freshest, much damage may reasonably be expected. [*Norristown Herald.*

Advices received at New Orleans, mention that a force of 2,500 Mexicans was advancing upon Texas, and that 1,500 of them had reached the river Frio, 80 miles from San Antonio. It is stated that the Texians have relinquished the contemplated design of privateering against Mexican commerce.

Yale college. From the catalogue of this venerable university for 1835-6, it appears that the whole number of students at the institution is 572. The freshmen number 135, which, it is believed, is the largest class that ever entered any college in the union.

Port of New Orleans. The accumulating wealth and growing commercial importance of this great southern mart, is not less pleasing than remarkable. From a table exhibiting the amount of tonnage annually entered at the New Orleans custom house, furnished by the collector of that port, it appears that in 1821, that it amounted to less than seventy-five thousand tons. In 1835 it had

increased to upwards of three hundred and thirty-three thousand tons. During the year 1835, the increase over the preceding year was upwards of seventy-five thousand tons—being 357,414!

Among the indications of the immense wealth of England, none is more striking than the amount of deposites in savings banks. In the year 1832 this amount was thirteen millions of pounds sterling, and in 1834 fifteen millions. As no doubt nearly the whole of this immense sum is deposited by the poorer and laboring classes, the evidence it affords of prosperity is still more gratifying.

The 22d ult. the birth-day of the FATHER OF HIS COUNTRY, the unequalled WASHINGTON, was very generally observed.

Marine Hall, (Boudoin college), was destroyed by fire on the 17th ult. It was also destroyed, in like manner, in 1822.

From returns already received it is ascertained that during the last year upwards of five hundred thousand passengers travelled on the Liverpool and Manchester rail road, exclusive of way-passengers.

Grain. It is a singular fact, that two or three cargoes of wheat, rye and oats, have recently been imported from Europe into New York, and have paid a handsome profit to those concerned in the transactions.

The demand on England for rail road iron to go to the continent and United States, is said to amount to near 300,000 tons.

The great establishment—the "*Methodist Book Concern,*" at New York, was destroyed by fire, last week. Loss, two hundred and fifty thousand dollars! About 300 persons have thereby been thrown out of employment. The watchman had passed late through the building. The house was thought to be fire proof. It is a profound mystery how it occurred. The building was 121 feet in length by 52 deep, with a projection in the rear 100 feet by 48. The whole was of brick, and six stories high, including the basement. The printing establishment of the concern was very extensive—giving employment to between 60 and 70 compositors, and 32 presses, including one Napier. A great amount of stereotype plates were destroyed in the printing office, together with all the presses, types, &c.

The Delaware 74, capt. *John B. Nicholson*, bearing the broad pendant of com. *Patterson*, arrived at Norfolk last week, from the Mediterranean—officers and crew in excellent health.

Oak wood was selling in New York at $16 50 per cord, and pine at $11 25.

Prospects of Monmouth county, New Jersey. For 50 years after the revolution this county existed in a state of supine torpor—not five lots were sold in all this time in the principal town of Freehold. A few years since was made the great discovery of marl, which has been a mine of wealth to the farmers, producing the richest pastures and grazing for cattle and sheep, and for making butter and cheese. The consequence has been that farms which have within 10 years sold at $10 the acre, now bring readily from $50 to $100. So much for the virtue of marl. Such is the wealth and enterprise thus brought into the county, that it is now proposed to make a rail road from the principal town to join the Camden and Amboy rail road at Hightstown, distant 10 or 12 miles, with a spur or branch to the marl pits.

Remarkable fact. In the last number of Silliman's Journal, is an article "on currents in water." It is asserted that if a tub or other vessel filled with water and a hole made near the middle of the bottom to discharge it, the water will require a rotary motion from west to south, or opposed to the apparent motion of the sun, and if means are used to produce an opposite motion, upon withdrawing those means, the former direction will be resumed. This cannot be the effect of chance, but of natural laws constantly operating. [*Boston Trans.*

The Quaker controversy in New Jersey ended. It must be gratifying to both parties of Friends, that the question has at last been settled by a law which recently passed the New Jersey legislature—by the provisions of which the property belonging to the society of Friends, at the time of the separation, is to be divided in proportion to the relative numbers of each party. It passed the assembly by a vote of 32 to 14, and the council 12 to 2. This will of course put the matter at rest. [*Mer. Ad.*

Ship letters. There were received at the post office in this city, yesterday, nine thousand five hundred and thirty-nine letters, by the packets from Liverpool and Havre. Five thousand and seven of these for other offices, were marked, stamped and mailed by the forwarding clerks in less than three hours after their arrival, besides attending to the regular ordinary business of making up the mails for the south, east and north. The city letter clerks and carriers were ready for delivery before 6 o'clock P. M. This may be considered a despatch of business unequalled in the annals of the post office department. [*N. Y. Com.*

The pacha of Egypt has recently suffered a severe reverse in the Hedjaz (Arabia). The Arabs came down upon his troops from the gorges of the mountains, and out of 10,000 Egyptians only 500 were saved.

New York, Feb. 27. It is now a period of more than seventy days since the calamitous fire of December, and while we are penning this paragraph, the smoke from the ruins of the American publication office, (next west of the Merchants Exchange), is issuing forth anew from under the snow with which the cellar of that building is filled. [*N. Y. Com. Adv.*

A valuable invention. Dr. McWilliams, of this city, has taken out a patent for a stove for heating carriages of all kinds, which is one of the most valuable inventions which have ever been made. It is remarkable in its structure, and may be sold for six or eight dollars; and it consumes the most inconsiderable quantity of coal. The advantages of such a stove are almost too obvious to be mentioned. Taking up very little room, they may be fitted to the bottom of gigs or chaises, and of every variety of carriage, and are particularly well adapted to rail road cars. The expense of fuel is not above three cents for a hundred miles travelling, at an ordinary rate. It is only necessary to make this invention known, to secure its introduction very generally. For a trifling expense, a stage driver may now be as comfortably situated on his box, as by the room fire; and the pleasures of sleigh-riding, may be enhanced a hundred fold. This stove is now used in the cars of the Baltimore and Washington rail road, and gives entire satisfaction. The passengers are kept warm during the whole journey, and are never annoyed by smoke—the stove being air-tight. [*Washington Mirror.*

The fine arts. It will no doubt afford satisfaction to the lovers of the fine arts in this country to learn that through the agency of col. Childs, West's splendid picture of death on the pale horse, has been purchased for the Pennsylvania academy of the fine arts. The picture is now in New York, having been brought from London in the packet ship Hannibal, just arrived.

This picture has long been regarded as the chef d' ouvre of our distinguished countryman. As Americans we feel proud that this great work of art is permanently to remain in this country, and as Philadelphians we are gratified that such a treasure has been added to the already large and valuable collection of works of arts belonging to one of our public institutions. [*Herald.*

Sir John Sinclair, bart who recently died at Edinburg at the age of 82, was one of the most distinguished benefactors of Great Britain. He was a member of the privy council, wrote about 100 volumes on agriculture, finance, &c. and in 1794, by his great influence raised two battalions of volunteers, each 1,000 men.

Pauperism. In the city and county of N. York, during the past year, there were, according to the official statement, 22,696 paupers, and the expense of supporting this number, amounted to $91,813. The whole number in the state, was 39,362—total expense $323,841 12.

Dr. *Lardner*, in the new edition of his work on "the steam engine," expresses a conviction that on the line from London to Liverpool, express coaches will go at

the rate of fifty miles an hour, and that even a hundred is within the limits of mechanical probability.

The banks of New York are supposed to pay $26,600 a year, in postages!

A steam sleigh has been invented at *Galena*, by a couple of Yankees, and was to be applied for immediate use. It is *water-tight*, and is supplied with windows, stoves, &c. It is highly spoken of.

Steam vs. *water*. The Portsmouth Journal makes a statement, based upon actual experiment, by which it appears that the manufacture of cotton by steam mills, in seaport towns, may very successfully compete with the best water power in the interior. The cost of operating a mill at Lowell, of 10,000 spindles is put down at 150 dollars per week; that of a steam mill of the same power, at 125 dollars—making a difference in favor of steam of 25 dollars per week.

More than four years—*five winters*, have passed since the opening of the Baltimore and Ohio rail road to Frederick—60 miles. Since which, though we have had some "terrible" snow storms, a single trip has not been lost, some were a little delayed, to give the *snow cars* time to operate. Many trips have been lost on the Philadelphia and Columbia, and Camden and Amboy rail roads, and certain others; not more incommoded by snow than the Baltimore and Ohio. Their trains have also been repeatedly fired, and much damage sustained—but, by the use of anthracite coal, the latter have been safe. This coal, too, is a product of *Pennsylvania*.

FOREIGN NEWS.

From Paris papers of the 15th Jan.

Paris, Jan. 8. At 8 o'clock last evening, the grand deputation of the chamber of peers was received by the king, and presented to his majesty the address from the chamber in answer to the speech from the throne; [already published in this paper.]

The following is his majesty's reply:—"Gentlemen, I am affected by the sentiments you have expressed towards my children and myself, and, both as a father and a king, I feel joy from those which you manifest towards my eldest son. The increasing prosperity of France, the testimonies of confidence and attachment with which I am more and more surrounded by the nation, are additional motives for my receiving happiness from the congratulations you present to me. I participate in your hopes that all our wishes will be accomplished, and that our efforts, crowned with success, will continue to preserve to France that repose, that liberty, that grandeur, which I am happy in having contributed to ensure to her."

CHAMBER OF DEPUTIES.

Sitting of January 8.

The order of the day being the communication of the draught of the address, in reply to the speech from the throne, the document was read by the president as follows:

"Sire,—The chamber of deputies, faithfully interpreting the desires and the wants of the country, congratulates itself on having to lay before your majesty words of satisfaction and of hope. Profound peace reigns in this state, and France has faith in its duration. This security, by cementing our union at home, augments the assurance of our power abroad. Happy the country which feels in so high a degree the consciousness of its strength, when all its wishes are for peace.

"This prosperous situation is due to the action of time, and to the progress of public reason, which have triumphed over the most difficult circumstances. Not long since France saw public order and our institutions struggling against the desperate efforts of factions. To defend them, sire, your government appealed only to the force of the laws, and we take pleasure in acknowledging, with your majesty, the happy effects of the legislative measures adopted by the constitutional powers. Seconded in every instance by the good sense of the nation, they have restored the respect due to the laws and public morals; the attacks against the sovereign and constitution of the country have ceased, and the confidence of all good citizens now rallies around those great interests, which are henceforth inviolable.

"A catastrophe, with which the most lamentable recollections are connected, has thrown the country into consternation; it will have served only to display in their true light the magnanimity of the sovereign, and the affection of France. Providence, who watches over her destinies, has visibly protected your majesty's days, which are the nation's dearest patrimony.

"Your royal family, sire, has also its part in the hopes of the country. Your sons have passed their earliest years with ours, and we now find them in the camp amidst our valorous youth. In this noble participation of labor and of peril, France recognizes the national character of the dynasty of which she has made choice. She has seen with emotion the eldest of her princes sharing in the fatigues and the dangers of our army, and the chamber having sympathized with your just solicitude, is entitled to participate in your satisfaction as a father and a king. That chamber, sire, hopes that the residence of the heir to the throne in our African possessions, will contribute to enlighten the government as to the measures best calculated to conciliate, with regard to those possessions, the wishes of civilization and the real interests of France.

"The first necessity of civilization, sire, is peace, and we have welcomed with heartfelt gratification the assurance which has fallen from your majesty's lips, that the state of our relations with foreign powers is satisfactory. Our intimate union with great Britain is an additional guarantee for the duration of peace! it insures the duration and maintenance of rights consecrated by treaties, the execution of which is of importance to the balance of power in Europe.

"France, sire, sets an example of the faithful fulfilment of promises. On the frontiers of Spain, your majesty's government has taken the necessary measures to insure the accomplishment of the treaty of the 28th April, 1834. The chamber sincerely desires that those measures, continued with vigilant firmness, may contribute to the internal pacification of the Peninsula, and the consolidation of the throne of Isabella II.

"The chamber regrets with your majesty that the treaty of the 4th of July, 1831, has not received its complete execution. In the friendly mediation of Great Britain, the chamber has seen a fresh proof of the alliance which unites both countries. The declarations contained in a recent act enables us at length to hope for a determination equally honorable to two great nations.

"Peace, sire, can serve only to augment the prosperity of our finances; their satisfactory condition, as your majesty informs us, will permit us at length to obtain, in all its reality, that equilibrium which is so desirable between the revenues and the expenditures of the state. To attain and preserve this important result, we are aware of the maturity that is required in the regulation of the credits, of all the steadiness that is necessary in the maintenance of their limits, and of all the prudence that must be observed in the valuation of the receipts which are to provide for that object. In this spirit we shall examine the financial laws that may be presented to us. A well-advised economy is a sacred duty to the government, and also for a chamber which is the guardian of the public fortune.

After three days discussion, the address was adopted (246 to 67), with no material amendments except the following, proposed by M. Mornay to be added to the 5th paragraph:

"This happy harmony affords us a hope that, in concert with Great Britain, and the powers whose interests are connected with ours, you may be able, sire, to restore the European balance, so necessary to the maintenance of peace, and that the first pledge of it may be the preservation of the ancient nationality of Poland, which has been consecrated by treaties."

The adoption of this amendment was received with loud and prolonged cheers of the deputies of the opposition.

The Journal des Debats says the paragraph on which the amendment was moved, evidently related to Poland, and was so understood by every body; it was therefore incumbent upon the chamber to make it explicit, or to withdraw it altogether. As for the ground work of the matter, every body was agreed; the government had protested against the union of Poland with Russia, and expressed its determination to maintain their protestations in face of the chamber, that is to say, of all Europe; there was, therefore, every reason why the address should embody those opinions. This would, perhaps, not have been done but for the speech of Warsaw, which made the chamber refuse to pass over in silence an usurpation upon which Russia had effected no reserve; the address of the chamber is, therefore, a just satisfaction given to the public indignation. Although there was a difference of opinion as to the suitableness of the protestation, there was none as to the foundation of the matter.

Paris, Jan. 11. Deplorable excesses were committed at Barcelona on the 4th inst. Upwards of a hundred prisoners were massacred by the populace, in the citadel. The body of col. O'Connel was horribly mutilated. The disturbance continued on the 5th. The lives of all persons suspected of Carlism were threatened. On the 4th, upon receiving an account of these disorders, gen. Mina left San Lorenzo for Barcelona.

The city of Guetaria has been captured by the Carlists and burnt. The citadel, by the last accounts, remained in the hands of the constitutionalists.

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Much sympathy is expressed both by the London and Paris papers, on account of the late calamitous fire in New York.—In Paris a subscription was opened for the relief of the sufferers. It was anticipated that a great many bills would come back dishonored, but in this there will be a happy disappointment.

A letter from Constantinople of the 15th ult. published in the Augsburgh Gazette, contains the following intelligence:—"Diplomatic negotiations are still very brisk; and the French ambassador in particular has frequent conferences with the reis effendi. It is said that the subject of them is the demand of a considerable sum of money by France from the dey of Tripoli.

The queen of Portugal was married, by proxy, on the 1st of January. The prince, her husband, is said to be strongly inclined in favor of French interests. No farther change of ministry had taken place, but the weakness of the marquis de Loule, the new premier, became daily more apparent. Her majesty opened the session of the chambers on the 2d with a speech, in which we do not find any thing of so much interest or importance as to induce us to copy it.

London, Jan. 13. A further advance of 20s. per ton has taken place in wrought iron of every description, making, since the first of September last, a total advance of £3 per ton.

Stock exchange, Jan. 13. In the money market little business has been doing, and consols for account are 92¾.

A letter from Lemberg, in Galacia, dated Dec. 31, says:

"Russian troops are concentrating between Plock and Lublin; and three regiments of cavalry have taken up their quarters on the other side of the Vistula, which is attributed to the arrival of a new and strong division from the government of Wilna. The Austrian commanders appear to be carefully watching these movements. The republic of Cracow is urging the three courts to acknowledge its independence, to which Russia opposes exhorbitant pretensions and pecuniary demands, which it is impossible for Cracow to satisfy. They are waiting for answers from Vienna."

Mr. Bois le Comte has been appointed French minister, at Washington.

Admiral Mackau remained at Paris on the 14th of January! Whence the ridiculous stories about his arrival in the Antiles? It has been "humbugged" even in congress.

Sir Christopher Pepys, late master of the rolls, has been appointed lord chancellor, of Great Britain and Ireland. Mrs. Copley, (of Boston) mother of lord Lyndhurst, died on the 11th Jan. in her 90th year.

Latest from England. London dates of Feb. 4.

The accounts of the state of the cotton market, are highly favorable.

The political intelligence is not of much importance. We see nothing in the papers, respecting the French indemnity. Mr. Vail, our charge at London, had had an interview and was in correspondence with the French minister at that court.

The London Times of the 21st states that the question of the recognition of the independence of the trans-Atlantic states, is now under consideration at Madrid, and expresses a hope that the holders of stock of those countries may by such a measure be enabled to obtain their claims, which now amount to £25,000,000. It was believed that the independence of all of those states would be, at once, acknowledged.

It is reported that the French ministry is still in danger. The question of the reduction of the five per cents. still agitated the public mind, and it is asserted that the new minister of finance was in favor of the same measure as led to the resignation of his predecessor.

An American frigate was standing into Lisbon on the 20th of January. An American frigate and a corvette, were in the port of Lisbon on the 17th.

Mr. Wilkins, our minister to Russia, had passed through Berlin.

A wonderful degree of prosperity attends many of the most important branches of British manufactures and commerce.

United States bank shares were quoted on the 28th Jan. in London, at £22, 10s. No quotations of the prices of other American stocks were given.

London, Feb. 2.

The late conflagration at New York.

The right honorable the lord mayor has given his ready approval of and consent to call a public meeting expressive of the deep sympathy of the metropolis of England in regard to the conflagration at New York.

The following answer of his lordship to George Jones, esq. the projector of the meeting, will at once be gratifying and satisfactory in regard to the liberality of our chief magistrate:—

Mansion-house Jan. 29, 1836.

"SIR: Whenever the requisition is presented to me I shall be most happy to convene a meeting for so noble a purpose, &c. &c. I have the honor to be, sir, your obedient servant,

"W. T. COPELAND.

"*To George Jones, esq.*"

Paris, Jan. 24. The fire at New York has produced its effect at St. Etienne, where silks to the value of 1,300,000 francs have been sold this week, with a rise of 4 francs per lb. on organzines.

The trial of Fieschi appears to have recovered all its original interest with the Parisians. Tickets of admission to the court are said to have been sold in some instances for the extraordinary sum of twelve pounds sterling; and so numerous have been the applications for them, that the allowance to the foreign ministers for the first day was limited to two each. The court was extremely crowded on Saturday to witness the commencement of the trial. At half past twelve, the prisoners were placed at the bar. Fieschi entered the hall smiling, and appeared highly gratified that his trial was about to commence. Morey is evidently in a bad state of health. Pepin also appeared much depressed. Bescher seemed to preserve a perfect self-possession and composure; and the other prisoner, Boireau, who is quite a youth in appearance, was perfectly calm and unembarrassed. The court consisted of 175 peers, including prince Talleyrand.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

February 19. This day was chiefly expended in receiving petitions and resolutions, and in various discussions of no particular, or present, general interest. Adjourned to Monday.

February 22. A message was received from the president, (see last volume), after the reading of which and some remarks from Mr. *Clay*, the senate adjourned.

February 23. After a variety of incidental business—the senate took up the fortification bill, and made some progress therein. Mr. *Benton* spoke, at length, on the policy of the country, in regard to it. The senate adjourned on the motion of Mr. *Preston*.

February 24. A message was received from the president of the United States, enclosing a report from the secretary of war, concerning the improvement of Red river; which was ordered to be printed.

Several private bills were passed.

On motion of Mr. *Tomlinson*, the committee on pensions was discharged from the further consideration of the petition of the widow and children of Major Dade, and it was referred to the committee on military affairs.

Mr. *Tomlinson* stated that the committee on pensions did not wish to make any extension of the pension system, but, under the circumstances of this case, major Dade having been killed in Florida, the military committee might probably propose some allowance in the form of extra pay.

The fortification bill chiefly occupied this day. Mr. *Benton* and Mr. *Preston* were the principal speakers, the latter gave way for the purpose of going into executive business.

February 25. Mr. *Robbins*, from the committee on the library, reported a joint resolution authorising a subscription to Carey, Lea, & Co's history of congress.

Laid upon the table.

The fortification bill was further discussed, and

Mr. *Preston* concluded the remarks commenced by him yesterday, by moving to amend the bill by striking out the clause appropriating for the fortification at Kennebeck.

Mr. *Clay* suggested the propriety of laying the bill on the table, and having the various tables printed which had been referred to by gentlemen, before the details of the bill were decided on. As the works embraced in this bill were all new ones, there was no immediate haste necessary in acting on this bill. The wisest course would be to make appropriation promptly for the old works not provided for last session, and to take time for a full examination of the various subjects of appropriation in this bill.

Mr. *Preston* expressed his acquiescence in the force of the remark.

The fortification bill was laid on the table, and the papers were ordered to be printed.

On motion of Mr. *Buchanan*, the senate proceeded, with closed doors, to consider executive business; after which,

The senate adjourned.

February 26. A message from the president was received, with the following enclosure*—

Department of State, Feb. 24, 1836.

To the president of the U. States.

The secretary of state, to whom was referred the resolution of the senate, requesting the president to "cause to be communicated to the senate, so far as there may be information in the department of state, the number and amount of claims for spoliations presented to the commissioners under the French treaty of eighteen hundred and thirty-one, which were rejected and the reasons for said rejection," has the honor to report:

That it appears from the register of the commissioners

that the number of claims presented amounted to.....3,148

Of which allowances have been made, in whole or in part, on.....1,567

Leaving the number upon which no allowances have been made,.....1,581

The books of the commissioners do not, generally, give any information respecting the amount claimed in the rejected cases; nor do they, in any instance, furnish the reasons for rejection. In many of the cases in which allowances were made, these allowances were partial only, portions of the claim having been rejected. It appears, therefore, that the records of the commissioners do not furnish the means of complying with the resolution of the senate.

An estimate of the amount of the rejected claims, and a conjectural statement of the reasons for the rejection, approximating the truth, might probably be made upon a careful examination and comparison of all the papers on file in the department relative to the claims presented to the commissioners. But such an estimate and statement are not believed to be within the terms of the resolution, and would not repay the time and labor which, from the great number of the papers would necessarily be employed in preparing them. All which is respectfully submitted, JOHN FORSYTH.

The message was ordered to be printed.

On motion of Mr. *Hendricks*, the senate postponed all the previous orders, and resumed the consideration of the bill for the continuation of the Cumberland road.

Mr. *Hendricks* withdrew the amendment proposed by him, and pending when the bill was last under consideration, to add $20,000 to the amount of appropriation for Indiana.

Mr. *Clay*, after some remarks, to which Mr. *Tipton* replied, moved to amend the bill by reducing the items of appropriation to the amounts in the bill of the last session, as far as relates to Ohio and Indiana, and appropriating for the graduating only of the road in Illinois.

Some debate took place on this motion, in which Mr. *Ewing*, Mr. *Robinson*, Mr. *Linn*, Mr. *Hendricks*, Mr. *Crittenden*, Mr. *Buchanan*, Mr. *Niles*, Mr. *Benton*, and Mr. *Davis*, participated.

*As corrected the next day.

Before the discussion had terminated, it was, on motion of Mr. *Clay*,

Ordered, That when the senate adjourns, it adjourns to meet on Monday.

The senate then adjourned.

February 29. A communication was received from the war department, enclosing a report, in compliance with a resolution of the senate, of the effective force of the army; which was referred to the committee on military affairs, and ordered to be printed.

The following letter was received, and laid before the senate by the *chair*:

Washington, Feb. 29, 1836.

SIR: I beg leave through you to inform the senate that I have on this day resigned into the hands of the general assembly of Virginia, for reasons fully made known to it, my seat in the senate of the United States, as a senator from that state. This annunciation is now made so as to enable the senate, at its earliest pleasure, to fill such vacancies in the several committees as may be created by my resignation.

In taking leave of the body over which you preside, I should be faithless to the feelings of my heart, if I did not frankly confess that I do so with no ordinary emotions. I look to the body itself, as the representative of those federative principles of our system, to preserve which unimpaired has been the unceasing object of my public life. I separate from many with whom I have been associated for years, and part with friends whose recollection I shall cherish to the close of my life. These are sacrifices which it gives me pain to make. Be pleased to assure the senate that I carry with me into retirement sentiments of respect towards its members; and that, in bidding them adieu, I extend to each and all my best wishes for their health, happiness and long life. I have the honor to be, sir, your most obedient servant, JOHN TYLER.*

Hon. Mr. *Van Buren*.

The senate proceeded to consider the petition of the friends assembled at Philadelphia, praying for the abolition of slavery in the District of Columbia.

Messrs. *Wall*, *Black*, *King*, of Geo. and *Porter*, having spoken on the subject—

Mr. *Leigh*, by general consent, laid on the table some resolutions of the general assembly of Virginia, on the subject of slavery; and

The senate adjourned.

March 1. Mr. *Clayton*, from the committee on the judiciary, to which was referred the bill to establish the northern boundary line of the state of Ohio, and the joint resolution on the same subject, made a report, which was read.

The report is very long, and occupied the greater part of the morning in the reading.

Mr. *Ewing*, of Ohio, moved that the report be laid on the table and printed, and that 5,000 extra copies be printed.

Mr. *Buchanan* rose to put himself right as to one single point. He concurred in the report of the bill, and he also concurred generally in the reasoning of the committee. There was, however, one point on which he dissented. He did not think that the provision in the constitution of Ohio imposed on the government of the United States, any obligation, express or implied, to demand from Michigan the disputed territory, as a matter of right. In reference to its expediency, he agreed with the committee. He thought the better course would be to give the territory to Ohio, and make it up to Michigan out of the territory of Wisconsin. He thought that Ohio had no greater right to demand this territory of Michigan, than Michigan had to claim it.

Mr. *Clayton* said it was unnecessary at this time to debate the differences between the member from Pennsylvania and the rest of the committee. It was a fact, however, which perhaps it was well should be made known, that, in the *results* to which the committee had arrived, *every member concurred*. The gentleman from Pennsylvania differs from the rest of us only in a single part of the *reasoning* which brought us to these results, and that is this: we consider it not only expedient, but *due to our sense of justice*, to confirm the Ohio line; the gentleman thinks it *expedient* only. We have not decided that Ohio has the line she claims as a matter of *strict legal right*. On the contrary, the report we have made negatives such a pretension. Had we decided that Ohio has, without our further legislation, a vested and indefeasible right to the boundary proposed in the bill, we should not have reported the bill, but have remitted the parties to the judicial tribunals of the country.

The motion to print five thousand extra copies was then agreed to.

The *chair* laid before the senate a communication from the secretary of the treasury on the subject of a resolution of a previous session, concerning the safety of steam-boat navigation.

Also, a communication from the treasury department, in reply to a resolution of the senate, reporting the balance of money in the treasury on the latest day on which that balance was ascertained.

These communications were laid on the table, and ordered to be printed.

The senate proceeded to consider the petition of the society of Friends, praying for the abolition of slavery.

[*It is stated that Mr. *Leigh* will not resign—at least at the present time—for which he has given his reasons.]

The question being on the motion of Mr. *Calhoun*, that the petition be not received,

After some remarks from Mr. *Prentice*, Mr. *Webster* and Mr. *Preston*—the senate adjourned.

March 2. The message which follows was received from the president of the United States, and was ordered to be printed.

Washington, Feb. 29, 1836.

To the senate and house of representatives of the U. States:

I transmit a report of the secretary of state, communicating an application from the charge d'affaires of Portugal, for the passage by congress of a special act abolishing discriminating duties upon the cargoes of Portuguese vessels, imported into the United States from these parts of the government of Portugal, in which no discriminating duties are charged upon the vessels of the United States, of their cargoes, and providing for a return of the discriminating duties which have been exacted upon the cargoes of Portuguese vessels thus circumstanced since the 18th of April, 1834. I also transmit a copy of the correspondence which has taken place on the subject between the department of state, and the charge d'affaires of Portugal.

The whole matter is submitted to the discretion of congress, with this suggestion, that if an act should be passed placing the cargoes of Portuguese vessels coming from certain parts of the territories of Portugal on the footing of those imported in vessels of the United States, or deciding upon the propriety of restoring the duties heretofore levied, and the time which they should be restored, regard should be had to the fact that the decree of the 18th of April, 1834, which is made the basis of the present application, took effect on the Island of Madeira and the Agzores many months after its promulgation, and to the more important fact that, until the first of February instant, an indirect advantage was allowed by Portugal to importations from Great Britain over those from other countries, including the United States. ANDREW JACKSON.

Mr. *Ewing*, of Ohio, from the committee on public lands, reported a bill to re-organize the general land office; which was read and ordered to a second reading, and, with a document from the commissioner, ordered to be printed.

Some further discussion took place by Messrs. *Buchanan*, *Walker* and *White*, on the abolition question; and on motion of Mr. *Goldsborough*, the senate adjourned.

March 3. After other business—

The senate proceeded to the special order, being the petition of the society of Friends of Philadelphia, praying for the abolition of slavery in the District of Columbia.

And Messrs. *Golsborough* and *King*, of Ala. spoke on it. Mr. *Cuthbert* requested to be indulged until to-morrow; and the senate then proceeded to the consideration of executive business, on the motion of Mr. *Clay*.

HOUSE OF REPRESENTATIVES.

Friday, Feb. 19. On motion of Mr. *Thomas*, the bill from the senate extending the charters of the bank of Alexandria and the bank of Columbia for three years, together with the amendment thereto reported from the committee of the house was taken up for consideration.

The amendment was concurred in, and ordered to be engrossed, and the bill read a third time.

The bill was then read a third time, and *passed*.

The New York relief bill was further considered—but the house adjourned without arriving at any conclusive decision about it.

[Adjourned till Tuesday—on account of *Washington's* birth day happening on Monday.]

Tuesday, Feb. 23. The message from the president, relative to our affairs with France, was received and read.

The printing of 10,000, 25,000 and 40,000 copies were proposed—25,000 agreed to.

Mr. *Lay*, of New York, having moved to amend the motion so as to require that the documents should be laid on the tables completed by the 1st of June. Lost.

Petitions being in order, on the unfinished business of Monday—and one for the abolition of slavery in the District coming up—it occupied the remainder of the day; in the course of which a decision of the chair was reversed—147 to 56.

Wednesday, Feb. 24. After other business—

Mr. *Boyd*, from the committee on elections, made a report on the subject of the contested election in North Carolina, and moved that it be printed, and made the order of the day for Wednesday next.

[The report is adverse to the claim of the sitting member.]

Mr. *W. B. Shepard* expressed a hope that a more distant day would be chosen, and moved to strike out Wednesday next, and insert this day three weeks.

Mr. *Bynum* said the subject had been three months before the house, and opposed any further postponement.

Mr. *Claiborne* stated that the committee were divided in opinion as to the person who had been elected, and that a counter-report would be made. It would be necessary to print both reports and the whole of the testimony, and afford sufficient time for the house to form an opinion upon the case. He thought the motion did not allow sufficient time for this purpose.

Mr. *A. H. Sheppard* made some remarks in favor of deliberate action upon the subject, and expressed a hope that it would not be approached hastily, nor under any feeling of excitement.

Mr. *Hardin* said that the two reports, with the accompanying documents, would, perhaps, occupy three or four hundred pages. It would be necessary for the members to acquaint themselves intimately with the laws of the state of North Carolina in relation to elections before they commenced the examination of the case. He felt disposed, if he knew himself, to do justice between the parties, and he thought one week too short a time to allow him to form a decision upon the question. He protested against the admission of counsel, either before the committee or before the house, on the subject.

Mr. *Graham*, of North Carolina, (the member whose seat is contested), presented a paper in relation to the subject, the reading of which he called for.

No objection being made, the paper was read.

Mr. G. moved that the paper be laid on the table, and printed.

Mr. *Hard* moved that the report be recommitted, with instructions to allow further time for the collection of testimony.

The *chair* decided that, the motion to postpone being under consideration, the motion to recommit was not in order.

Mr. *Bell* explained that the motion to recommit had priority over the other motion, and appealed from the decision of the *chair*, but, after some conversation with the *chair*, withdrew it.

The *chair* announced the arrival of the hour for taking up the special order.

Mr. *Cambreleng* presumed, he said, that it was the desire of the house to finish the business under consideration last Friday, when the house adjourned, and moved that the order be suspended for the purpose of resuming the consideration of "the bill for the relief of the sufferers by the late fire in the city of New York;" which motion was agreed to.

The bill was then taken up; and the question being on the motion of Mr. *Chambers*, of Ken. to strike out the second section of the bill,

Mr. *Cambreleng* briefly opposed the motion, and stated that its effect would be to lose to the government at least $250,000. The sum to which the section applied was $2,700,000, of which two millions had fallen due. The prosecution of these bonds would cost one or two hundred thousand dollars, and the interest on the bonds, if they were collected and paid into the deposite banks, would also be lost. But, besides this loss, the government would be obliged to run the risk of losing a portion of the amount, by forcing the payment of the bonds at this time.

Mr. *Williams*, of Ken. spoke in favor of the motion to strike out the second section, and opposed the bill generally, as a bill in effect, to loan money.

Mr. *Howard* spoke, at considerable length, in opposition to the motion to strike out, and in support of the bill.

Mr. *Dunlap* followed on the other side.

Mr. *Chambers*, of Ken. moved a call of the house, which was ordered.

The proceeding of the call was, after some time, suspended, on motion of Mr. *Robertson*.

The question being then taken on the motion to strike out the second section, was determined in the negative—yeas 89, nays 116.

Mr. *Williams*, of Ky. moved to amend the bill by adding to it the following proviso:

And provided also, That the indulgence authorised under the provisions of this act shall in no case be given without other and sufficient security be given, when, in the opinion of the collector, it shall be necessary to secure to the government the sum due by the person or persons who ask the indulgence.

After a few words from Messrs. *Cambreleng* and *Williams*,

The question was taken and the amendment rejected.

Mr. *Briggs* moved to amend the bill by adding to the second section the follow proviso:

Provided also, That if, in the opinion of the collector aforesaid, any of the bonds which may be given under the act, or the payment of which may be postponed, shall at any time be insecure, it shall be the duty of the said collector to require such additional security as shall be satisfactory to him; and on failure of such additional security being furnished, the payment of such bonds shall be enforced forthwith.

The amendment was agreed to.

The question being then taken on ordering the amendments to be engrossed, and the bill to be read a third time, it was determined *in the affirmative*, yeas 125, nays 84, as follows:

YEAS—Messrs. Adams, H. Allen, Bailey, Banks, Barton, Beardsley, Bockee, Bovee, Briggs, Brown, Buchanan, Bynum, William B. Calhoun, Cambreleng, Chaney, Chapin, Childs, Clark, Cleveland, Coffee, Corwin, Cramer, Crane, Cushing, Dickerson, Doubleday, Effner, Evans, Fairfield, Farlin, Philo C. Fuller, William K. Fuller, Galbraith, Rice Garland, Gillet, Glascock, Granger, Grantland, Grennell, Haley, Joseph Hall, Hard, Harper, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, W. Jackson, Jabez Jackson, Janes, Jarvis, R. M. Johnson, Cave Johnson, Henry Johnson, Judson, Kilgore, Lane, Lansing, Lawrence, Lay, G. Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Loyall, Lyon, Abijah Mann, Manning, William Mason, M. Mason, Sampson Mason, Maury, McKennan, McKeon, McKim, Miller, Milligan, Moore, Muhlenberg, Owens, Page, Parker, Parks, Patterson, James A. Pearce, Pettigrew, Phelps, Phillips, Pinckney, Potts, Reed, J. Reynolds, Rogers, Russell, Schenck, Seymour, Shinn, Sickles, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Washington—125.

NAYS—Messrs. Chilton Allan, Bean, Beaumont, Bell, Bond, Boon, Borden, Boyd, Bunch, J. Calhoon, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chapman, N. H. Claiborne, Coles, Conner, Craig, Cushman, Davis, Deberry, Denny, Dickson, Dromgoole, Dunlap, Everett, French, Fry, James Garland, Graham, Graves, Grayson, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hardin, Harlan, A. G. Harrison, Hawkins, Jenifer, Joseph Johnson, J. W. Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Logan, Lucas, Job Mann, Martin, John Y. Mason, May, McComas, McLene, Montgomery, Morgan, Morris, F. Pierce, Dutee J. Pearce, Peyton, Rencher, John Reynolds, Roane, Robertson, Aug. H. Shepperd, Shields, Sprague, Standefer, Taliaferro, Thomas, W. Thompson, Underwood, Webster, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—84.

Mr. *Cambreleng* asked the indulgence of the house to go into committee of the whole on some short bills connected with the dissolution of the United States bank.

Objections being made.

Mr. C. moved to suspend the rules; which was not agreed to.

On motion of *Wise*, the house then adjourned.

Thursday Feb. 25. The *chair* announced the expiration of the hour for the consideration of morning business.

Mr. *McKay* moved to suspend the rules for one hour, for the purpose of continuing the consideration of the report of the committee on elections, which motion was not agreed to.

By consent of the house, several bills from the senate on the speaker's table were taken up, read twice, and referred to the appropriate committees.

The bill from the senate, commonly called the executive patronage bill, was taken up on its second reading, two motions pending, one to refer it to the committee on the judiciary, and the other to refer it to a select committee.

Mr. *Patton* moved that the house do now proceed to consider and dispose of the bill, and upon this motion he asked the yeas and nays; which were ordered.

The question being taken, there appeared yeas 104, nays 104.

There being a *tie*, the *chair* voted in the *affirmative*.

So the question was decided in the affirmative.

The bill being taken up, and the *chair* having stated the question.

Mr. *Patton* spoke, at some length, in opposition to the motion to refer the subject to the committee on the judiciary.

Mr. *Dromgoole* was not convinced (he said) by the arguments which he had heard, that the bill ought to be referred either to the committee on the judiciary or to a select committee. He moved to refer it to the committee of the whole on the state of the union, in order that it might be discussed in a free and untrammelled manner. He thought it proper to exclude any report on one side or the other, and to place the bill where it might be fully discussed by gentlemen of all parties, and by gentlemen of no party, if any such there were in the house.

The motion to refer the bill to the committee of the whole on the state of the union was agreed to.

The bill for the relief of the sufferers by the fire in New York was read a third time; and the question being on its passage.

Mr. *Pearce* of Rhode Island, took the floor, and spoke at great length against the bill.

Without concluding, Mr. *Pearce* gave way to a motion to adjourn.

And the house then adjourned.

Friday, Feb. 26. The house resumed the consideration of the report of the committee on elections on the subject of the North Carolina contested election, as the unfinished business of yesterday morning. The motion being to postpone the consideration of the report till next Wednesday, and to make it the special order for that day.

Mr. *A. H. Shepperd* made some remarks in favor of granting further time for the sitting member to obtain testimony, and of postponing the action of the house on the subject for a longer time than was proposed by the committee.

Mr. *Mann*, of New York, moved to postpone the consideration of the question till next Tuesday week.

Mr. *Bynum* spoke in favor of an early decision of the question, but said he would vote for the motion of the gentleman from New York.

Mr. *Graham* addressed the house at some length, on the subject, and urged various considerations and facts in favor of such a course as would enable him to obtain further testimony, which he thought essential to a proper understanding of the case. He stated the reasons which had prevented him from obtaining that testimony within the time allowed by the committee.

Mr. *Howard* expressed a wish that the majority of the committee would inform the house what reason induced them to deny further time to the sitting member after the 16th of January to obtain further testimony.

Mr. *Boyd* explained that the committee had reason to believe that both parties had been allowed ample time to present their case fully to the house, and on this ground had made their decision against allowing further time.

Mr. *Hard* said that the minority of the committee were in favor of allowing further time to take depositions; he was prepared to state the reasons which influenced their opinion.

The hour for the consideration of reports having expired.

Mr. *Rencher* moved that the rules be suspended for the purpose of continuing the consideration of the report from the committee on elections; which motion was not agreed to.

Mr. *Cambreleng* moved that the rules be suspended for the purpose of resuming the consideration of the New York relief bill, now on its passage which motion was not agreed to.

The house then proceeded to the orders of the day for Friday.

The unfinished business of Friday, the 12th inst. was resumed, viz: the "bill for the relief of Jesse Smith and others." The question being on its passage.

Mr. *Owens* resumed the floor, and concluded the remarks in opposition to the bill commenced by him on a former day.

Mr. *Whittlesey* followed in support of the bill.

Mr. *Craig* spoke in opposition to the bill.

Mr. *Dunlap*, thinking, he said, that sufficient time had been occupied with the consideration of this subject, and believing that the house was as ready now to dispose of it as it ever would be, moved the previous question.

A quorum not voting on the question whether the house seconded the motion,

A call of the house was ordered, and the main question directed to be put.

The question on the passage of the bill was then taken, and decided in the affirmative; yeas 111, nays 72.

So the bill was passed.

The rest of the day was consumed on private bills.

Saturday, Feb. 27. After several unsuccessful attempts by members to procure a suspension of the rules, for the purpose of presenting petitions, the house resumed the consideration of the report of the committee on elections, against the sitting member (Mr. *Graham*), on the subject of the North Carolina contested election; two motions pending, one to postpone the consideration of the subject to next Wednesday, and make it the special order for that day; and the motion of Mr. *Mann*, of New York, to postpone it to Tuesday week.

Several gentlemen having spoken, and

The hour of one o'clock having arrived, Mr. *Whittlesey* called for the orders of the day.

Mr. *Boyd* moved that the rules be suspended, in order to proceed in the consideration of the report of the committee on elections; which motion was lost.

Mr. *Graham*, by leave of the house, made some explanations in regard to the facts he expected to establish in case further time should be allowed for taking depositions.

The orders of the day were then taken up—and many private bills were ordered to a third reading.

Monday, Feb. 29. The house resumed the consideration of the question of order which was pending on Tuesday last when the house adjourned.

The *chair* stated the question as follows: the house had decided that all petitions on the subject of the abolition of slavery in the District of Columbia were committed to the select committee on that subject, under a resolution adopted by the house. In virtue of this decision, the *chair* considered that the petition in question was already referred to that committee. The gentleman from Alabama (Mr. *Lawler*) had moved to refer the petition to that committee, with certain instructions, which motion the *chair* decided to be out of order, the petition having been already referred. From this decision the gentleman from Alabama had appealed, and the question now was, "shall the decision of the speaker stand as the judgment of the house?"

Mr. *Lawler* modified his proposed instructions so as to require the committee to report a resolution, declaring that congress has no power, under the constitution, to legislate on the subject of slavery in the District of Columbia.

Mr. *Lawler* spoke in support of the appeal.

After some remarks from Messrs. *Mercer, Vinton, Wm. B. Shepard* and *Lawler*,

The appeal was withdrawn.

The *chair* proceeded to call the states, in order, for petitions, commencing with Massachusetts.

And many petitions were presented—among them two memorials, signed by 556 male citizens of Washington county, Pennsylvania, praying for the abolition of slavery and the slave trade in the District of Columbia. Also a memorial signed by 210 females of the borough of Washington, Pennsylvania, on the same subject.

Mr. *Patton* presented a letter from the governor of Virginia, transmitting certain resolutions on the subject of the abolition of slavery in the District of Columbia, and sent to the chair the following motion, in relation to the communication:

1. *Resolved*, That congress has no constitutional power to abolish slavery in the District of Columbia or in the territories of the United States.

2. *Resolved*, That any act of congress having for its object the abolition of slavery in the District of Columbia or the territories of the United States, ought to be regarded as affording just cause of alarm to the slaveholding states, and bringing the union into imminent peril.

The *chair* decided that the motion was not in order, inasmuch as the resolution adopted by the house on the subject had committed "every paper and proposition," on the subject of abolition, to the select committee appointed under that resolution.

From this decision Mr. *Patton* appealed.

Mr. *Patton* spoke in support of the appeal.

Mr. *Wise* followed on the same side.

The *chair* having decided that the remarks of the gentleman from Virginia (Mr. *Wise*) were out of order.

At length the decision of chair was affirmed—143 to 40.

Mr. *Patton* asked if he could withdraw the resolutions.

The *chair* replied that he supposed the gentleman might withdraw them.

Mr. *Patton*. I do withdraw them then.

But Mr. *Mason* having suggested a different course, and objections to a withdrawal being made—

The *chair* then stated that he was compelled to say that the resolutions could not be withdrawn without leave of the house. He had not anticipated that there would be any objection.

The house adjourned, on the motion of Mr. *Briggs*.

Tuesday, March 1. The clerk proceeded to read the journal of yesterday.

Mr. *Peyton* rose and questioned the correctness of that portion of the journal which recorded the motion of the gentleman from Virginia, (Mr. *Mason*), that his colleague (Mr. *Wise*) who had been called to order, be permitted to proceed. Mr. P. stated that the motion was, according to his understanding, that the gentleman from Virginia be permitted to proceed *in order*, and he moved that the journal be amended accordingly.

After some conversation,

Mr. *J. Y. Mason* explained that his motion was that his colleague "have leave to proceed," at the same time explaining, in reply to the question of a member near him, that if the gentleman was permitted to proceed, he must proceed subject to the rules of order.

Mr. *Peyton* withdrew the motion, and moved that the words in the journal be so corrected as to read that the "member from Virginia have leave to proceed," striking out the additional words recorded, "in his speech."

After some words from Messrs. *Parker, Adams* and *Mann*, N. Y.

Mr. *J. Y. Mason* stated that he had no recollection of adding the words, "in his speech."

The motion to strike out those words was then agreed to.

Mr. *Briggs* moved to suspend the rules of the house, in order to proceed in the call of petitions, commencing with Virginia, and excluding the consideration of the motion relating to the letter of the governor of Virginia, presented yesterday; which motion was agreed to.

Certain abolition proceeding being disposed of—petitions were presented, beginning with Virginia; and a large number of them, with a large quantity of resolutions, were presented—chiefly relating to local or personal matters.

Wedensday, March 2. Mr. *Denny*, with the consent of the house moved to print 5,000 extra copies of the letter of the secretary of the treasury, transmitting the report of the Franklin Institute, on the subject of the explosion of steam boilers, &c.

On motion of Mr. *Williams* of N. C. the further consideration of the subject was postponed until to-morrow, by a vote of 70 to 64.

The house resumed the consideration of the report of the committee on elections, on the subject of the North Carolina contested election, as the unfinished business on Saturday last.

Mr. *Hard* moved that the petitioner Mr. Newland be admitted to a seat within the bar of the house, and be permitted to address the house in his own behalf, upon the subject before it, if he chooses to do so.

Mr. *Bynum* moved to amend the motion so as to provide that the petitioner have leave to be heard by himself and counsel on the main question.

Mr. *Thomas*, of Maryland, moved that the rules of the house be suspended for the purpose of making a report, accompanied by a bill, from the committee on the territories, in relation to the controversy between Michigan and Ohio; which motion was agreed to.

Mr. *Thomas* reported a bill to establish the northern boundary line of the state of Ohio, and to admit the territory of Michigan in the union on certain conditions.

The bill and report were ordered to be printed.

An unsuccessful attempt was made by Mr. *Cambreleng* to get up the bill for the relief of the city of New York.

The house then, in pursuance of the special order of the day, proceeded, in committee of the whole on the state of the union, (Mr. *Miller* in the chair) to consider the bill making appropriations for the naval service of the United States for the year 1836.

The question being on the motion of Mr. *Bell* to reduce the appropriation for the navy yard at Portsmouth from $67,000 to $35,500,

Mr. *Thompson*, of S. C. took the floor, and spoke at great length in opposition to some of the features of the bill, and to the system of expenditure adopted by the government, in relation to all measures for the national defence, both on the coast and in the interior.

At half past 4 o'clock Mr. *Thompson*, without concluding, gave way to a motion for the committee to rise.

The committee then rose, and the house adjourned.

Thursday, March 3. Mr. *Cambreleng* moved that the committee of the whole on the state of the union be discharged from the further consideration of the "bill to authorise the secretary of the treasury to act as the agent of the United States in all matters relative to their stock in the bank of the United States:" which motion was agreed to.

The bill was then taken up for consideration, and, on motion of Mr. *Cambreleng*, verbally amended, and then ordered to be engrossed for a third reading, and subsequently read a third time and *passed*.

Mr. *Patton*, from the committee on the territories, reported the following resolution:

"*Resolved*, That the fourth Thursday and Friday of the present month be set apart for the consideration of bills relative to the territories of the United States."

Mr. *Bell* moved to amend the resolution, by adding to it the following words: "Provided that before that time the several appropriation bills shall be disposed of by the house."

The motion to amend was agreed to, and the resolution was rejected.

Mr. *Thomas*, reported the following resolution:

Resolved, That the bill to establish the northern boundary line of the state of Ohio, and to provide for the admission of Michigan into the union, on certain conditions, be made the special order of the day for the 15th of the present month.

Mr. *Bell* moved to amend, by adding thereto the following: "Provided that the several appropriation bills shall have been previously disposed of by the house." Which was agreed to.

The question being on the adoption of the resolution as amended, Mr. *Thomas* asked for the yeas and nays, and they were ordered.

The question being taken, it was decided in the negative; yeas 74, nays 124.

Mr. *Jarvis*, from the committee on naval affairs offered the following, which lies over one day—

Resolved, That the secretary of the navy be directed to cause a course of experiments to be instituted, for the purpose of ascertaining the efficiency of testing the safety of the medium or light guns of the navy, and of comparing their effect with the guns for which they were proposed to be substituted.

After a great deal of other business,

On motion of Mr. *Cambreleng*, the house resolved itself into a committee of the whole on the state of the union, (Mr. *Miller* in the chair).

The consideration of the bill making appropriations for the naval service of the United States for the year 1836, was resumed by the committee.

Which bill was further debated, and then laid aside.

On motion of Mr. *Mason*, of Virginia, the committee took up the bill to carry into effect the convention with Spain.

Mr. *Mason*, by order of the committee on foreign affairs, moved a substitute for the above bill, the object of which motion he explained.

After some remarks from Mr. *J. Q. Adams*, expressing his preference of the substitute to the original bill,

Mr. *Cushing* said that he desired to avail himself of this occasion to express his strong sense of the justice and honor exhibited by the government of Spain in the treaty of which this bill was the consummation. In the midst of national calamities, which she met with, her characteristic fortitude, with a deadly civil war raging in her bosom, and weighed down by financial embarrassments, Spain has acknowledged and satisfied the claims of our citizens in a spirit of manly promptitude and frankness strikingly contrasted with the conduct of some other European powers in a similar matter. This procedure on the part of that gallant and high-minded nation did honor to the liberal policy which actuated her present rulers; and, united, as Spain and the United States are, by the ties of a close intercourse reciprocally beneficial to both, he felt that it was the duty of the American congress, in passing this bill, to bear emphatic testimony to the integrity and dignified sentiment of self-respect manifested in this affair by the queen regent of Spain.

The amendment was then agreed to.

THE WAR IN FLORIDA.

The following letter was transmitted a few days ago from the war department to the speaker of the house of representatives, in reply to a resolution of that body:

War department, Feb. 18, 1836.

SIR: In obedience to a resolution of the house of representatives of the 13th instant, I have the honor to report, that major general Scott has proceeded to the theatre of hostilities in Florida, with full authority to call into the field such a force as may be necessary to subdue the Seminole Indians, and also with instructions to inquire into the situation of the Creeks, and to take all proper measures to prevent or suppress any hostilities meditated or committed by them. The latest accounts from the Creek country justify the belief that the great body of the Indians of that tribe have no intentions of committing outrages upon our citizens, though it is probable that some of the young men may have joined the Seminoles. But of this fact the department has no authentic evidence.

If the operations in Florida did not require the presence of all the disposable troops of the United States which can readily be concentrated in that quarter, I should certainly think it proper, under existing circumstances, to station a respectable force in the Creek country as long as the excitement among the Indians continues. But this cannot be done for the want of means; and as general Scott has power to call for any militia force that he may deem necessary, and as he is near the Creek country, and can judge correctly of their intentions, it seems more proper to permit him to adopt the requisite measures than to act upon the subject here.

I am not aware that any further legislation, in connexion with this subject, is necessary, except what may relate to the increase of the numerical strength of the army, or to the removal of the Creek Indians. The question of an increase of the army has been already presented to the department by the committee on military affairs, and a report will be transmitted as soon as all the necessary information can be obtained. The removal of the Creeks I consider a measure of indispensable necessity. But there are already existing appropriations, providing the necessary funds for the present, and others will be asked for of congress as soon as it is ascertained they will be needed. Arrangements are, and for some time have been, in progress for the removal of the Creeks. These have not been as successful in their operation as was desirable. Should, however, these Indians continue much longer to decline removing, and to disturb the tranquillity of the country where they are situated, a just regard to their own existence, as well as to the peace of our citizens, will require the adoption of more energetic measures, and perhaps the application of other principles to their condition. Very respectfully, your obedient servant,

LEWIS CASS.

Hon. *James K. Polk, speaker of the house of rep.*

From the Georgia Courier.

Augusta, Feb. 19.

Our anxiety is entirely relieved by the return of Mr. *Forrest*, (the volunteer who was accidentally shot through the foot), who informs us that capt. Bone's company and other volunteers, and about fifty United States troops, accompanied the blues on their march to camp King; in all, about 250 men. They may have a fight, what, we presume, the boys are looking for, but we will answer for it they will be hard to whip.

We ventured in our last to express our fear that the Seminole trouble could not be soon ended. The nature of the country is an insuperable obstacle; and in two or three months more, in which time it is possible for the Indians to prevent our seeing a single individual of them, the climate must drive every white man from the country, or bury him beneath its soil. In conformity with these views, we have the opinion of a Floridian of high standing and intelligence, and who will command a regiment of militia in the service, who thus writes:

"You may wish my opinion as to the continuation of the war. I am of the opinion, if the Indians are disposed to continue their defence, that they can continue it for years. The situation of the country, the facilities it affords for their concealment, the easy acquisition of game, fish and arrow root, will enable them to avoid us for years, and yet live without making a crop of any kind. I am of the opinion, too, that the alarm created is not warranted by the number or activity of the Indians, and that most of the difficulties which have existed have grown out of the want of a prudent forecast in our rulers. I am also of the opinion that the Indians will not again meet the whites in general fight, but will separate into small bands, and operate in predatory excursions, and that, therefore, it will be rather an Indian *hunt* than settled warfare."

THE SUPREME COURT.

From the National Intelligencer.

The judges of the supreme court adjourned their session on Friday last. It is the shortest session which we remember. We have been furnished, however, with an account of the causes heard and decided, which shows that, however short, it has proved efficient for the despatch of judicial business. The whole number of causes on the docket was one hundred and seven. The docket was gone through with three several times, according to the rules of the court, and every cause was heard which was ready for argument. Every cause argued was decided. Forty-six written opinions were delivered by the court, besides several oral judgments. The whole number of causes finally disposed of was sixty-five. Of the continued causes, twenty-five are suits of the Commonwealth bank of Kentucky, in which the sole question is supposed to be whether that institution was constitutionally created. One decision, of course, will settle all these cases. Three others of the continued causes involve constitutional questions, two of which have been ordered for a second argument: these cases involving constitutional questions, were postponed for a full court.

Mr. Justice *Story*, as senior justice, presided during the term: and we have heard from members of the bar and others ample commendation of the ability and urbanity with which he discharged the duties of his situation. The *central chair*, so long filled by the illustrious chief justice *Marshall*, stood vacant during the session. The effect of this appeared to us to be striking. Accustomed, for more than thirty years, to see his venerable form in the midst of his judicial associates, we could not behold his seat vacant, from the beginning to the end of the term, without the recurrence of sober and solemn feeling.

Our readers will remember that a bill has passed the senate, we believe nearly unanimously, for the re-organization of the judicial system, so far as is necessary, in order to extend the circuit courts to all the states in the union. The western states have long and earnestly insisted on this extension, and we sincerely hope that what seems so just and equal may be accomplished. More than all, however, our desires and prayers are fervent, that the character, usefulness and dignity of this high tribunal may long be preserved.

OFFICIAL.

Circular to receivers of public moneys, collectors, disbursing officers, and the deposite banks of the United States.

The established policy of the treasury department, so far as may be practicable, under its present powers over the collec-

tion, keeping and disbursement of the public money, is to diminish the circulation of small bank notes, and to substitute specie, and especially gold, for such notes, with the view of rendering the currency of the country, through which its fiscal operations are performed, more safe, sound and uniform. In pursuance of that policy, a circular was issued last April, which prohibited, after the 30th September, 1835, the receipt, on account of the government, of any bank notes of a less denomination than five dollars; and which intimated that other steps to promote the desirable objects before named, would, in due time, be taken.

Consequently, in further pursuance of the same policy, you are hereby required, after the 1st of May next, not to pay the demands of any public officer or creditor in any bank notes of a less denomination than five dollars; and, except when it may be otherwise prescribed by law, after the 4th of July next, not to receive or pay on account of the government, any bank notes of a less denomination than ten dollars.

All the deposite banks are requested to supply themselves with such a quantity of American gold coin as to be able to pay, and when a public officer or creditor prefers it, and his demand does not exceed five hundred dollars, to pay at least one-fifth of such demand in that coin. It is also requested that the deposite banks will not, after the 4th of July next, issue any notes of a less denomination than five dollars; and that after the 3d of March, 1837, they will not, unless the subject be otherwise regulated by congress, issue any notes of a less denomination than ten dollars. It is believed that the amount of gold which by that time shall be coined at the mint, will be sufficient to admit of the convenient substitution of it for small notes, in a much greater extent than at present; and it is deemed reasonable, that while the deposite banks have the use, without interest, of unusually large sums of the public money, they should make some further temporary sacrifices to obtain and circulate gold, and in other respects to enlarge the specie basis of our circulating medium. From these considerations, and from the liberal spirit evinced by most of the public depositories in a late correspondence with them on this subject, it is confidently expected that, in this state of things, they will cheerfully comply with the above requests, and with all others which have been made by the department, with a view of improving the currency, nor will it, I trust, be considered unjust or impolitic, while the deposite banks shall continue to enjoy great privileges from the treasury, to regard a neglect or refusal by any of them to comply with those requests, as sufficient cause for discontinuing the employment of such banks as a fiscal agent.

At a proper time it will be decided, under what circumstances and at what periods, these restrictions on the agents and officers of the treasury, shall be extended to notes of any denomination under twenty dollars.

This communication is made with the sanction of the president of the United States, and it is hoped that, till otherwise prescribed by congress, or by this department, these requirements and requests will be faithfully complied with by all the fiscal agents of this department, and all the collecting and disbursing officers of the government.

LEVI WOODBURY, *secretary of the treasury.*

Treasury department, 22d Feb. 1836.

VIRGINIA LEGISLATURE.

House of delegates, Tuesday February 23, 1836.

The following message was received from the governor of the commonwealth:

To the house of delegates:

I have just received a paper containing the preamble and resolutions adopted by the general assembly on the subject of expunging from the journal of the senate of the United States a resolution of that body.

By the last of the resolutions contained in this paper, I am requested to perform two several acts. I am desired to transmit these resolutions to each of the senators from Virginia, in the congress of the U. States, and also to accompany this communication with a request to the senators, on my part, that they would lay the same before the body of which they are members.

Neither of the acts I am thus requested to perform, is embraced within the sphere of any duty assigned to the governor of this commonwealth, either by its constitution or laws; but as neither is thereby prohibited to him, I should not have hesitated to comply with the requests of the general assembly, if, in doing so, I was not obliged to add my approbation to their resolves, and to unite my solicitations to their commands.—Such a conclusion, however, is inevitable; for the terms employed in the resolutions, as well as the very nature of one of the acts I am thereby requested to perform, announce plainly, that both these acts are considered by the general assembly as merely voluntary, on my part, to the performance of which acts, I am not compelled by the obligations of my legal duties. Therefore, it would be impossible for me to avoid the conclusions I have stated, should I comply with these requests. Even an addition to the communication I am requested to make, of such a disclaimer as might suffice to acquit me of this imputation, would be in direct conflict with the expressed wishes of the general assembly, and therefore would not comport, as I think with that respectful consideration which is due to that body, especially by every other department of this government.

Placed thus, in a situation where my voluntary compliance with the wishes of the general assembly must expose me to an imputation that injustice to myself, I ought to disclaim; and should I do so, being constrained to depart from the course which my respect for them would induce me to adopt; no alternative is left but for me to decline a compliance with their request. This I beg leave to do in the most respectful manner; and I hasten to communicate to them this, my determination, to the end that if the general assembly think it proper, the task which I have been requested to perform, may be promptly assigned to some other agent, whose situation or opinions, in this respect, may be different from mine.

No ordinary circumstances would justify me, even to myself, in declining to co-operate with the general assembly, by the performance of any act on my part, that they might think useful to give effect to their wishes; and in that mode which to them might seem most proper. But I should be justly regarded by all, as unworthy of the high trust confided in me, if I were capable of permitting any consideration whatever, even my sincere wish to comply with the requests of the general assembly, to cause me to disregard my most sacred obligations. And, as I cannot consider the resolutions I am requested to transmit, otherwise than as requiring a palpable violation of the constitution of the United States, I should incur guilt, from which not even the approving voice of the present general assembly would suffice to absolve me, were I to lend my aid knowingly in any way to give effect to such a purpose. Greatly indeed would this guilt be magnified, if while entertaining these opinions, I should dare request others to incur such criminality.

I may be mistaken in these opinions, but they are approved by my most deliberate judgment, and, while so approved, it is my duty to act in conformity with them. Should I not do so, I should offend against my own conscience; and as by this I should justly merit the scorn and contempt of my fellow citizens, I presume I should also incur that of the general assembly itself.

The courtesy and respect due to a co-ordinate department of the government, restrains me from stating here, the various considerations which have induced me to entertain the opinion I have expressed, that the resolutions I am requested to transmit, require a palpable violation of the constitution of the U. States. The same motives induce me to abstain from characterizing the act I am requested to perform, in soliciting honorable and high-minded functionaries of Virginia to do that which, if it is their duty to do, they will surely perform without any officious request from me; and, if it is contrary to their duty, none ought to desire of them to perform it, especially one who cannot claim authority of any kind to determine such a question for them.

The adoption of these resolutions, must be considered by all as sufficient evidence that they who have sanctioned them by their approving votes think differently from me in these particulars. This their opinion has now passed into an irreversible judgment. Therefore it would ill become me to address an argument to the body itself, which has so decided, to shew that this its solemn and recorded and promulgated judgment was erroneous. It was necessary for my own justification, to state the fact, that I did not concur in this judgment, but to do more than this would be as improper as it would be now useless. Hence, I am restrained from presenting my own views of this subject to the general assembly, for the sincerity of whose expressed opinions I entertain the same respect that I claim for my own.

But, if it should please the general assembly, either in kindness to me, or in justice to the people of Virginia, our common sovereign, to permit me to spread upon their journals a document, respectful to those to whom it will be addressed, and dutiful to that sovereign to which only our allegiance is due, I should be gratified by such a permission, and I will gladly avail myself of it, to state in that way, the various considerations which have induced me to dissent from the opinions of the general assembly, as set forth in the resolutions. Without such permission, however, not even my own vindication can tempt me to be guilty of what I should consider as indecorous to any co-ordinate department of the government of my country, by which department I am addressed in terms of such courtesy as it has pleased the general assembly to employ in these resolutions towards me.

(Signed) LITT'N W. TAZEWELL.

Executive department, Richmond, Feb. 22.

The message having been read,

Mr. Watkins moved the following preamble and resolution, which, after some debate, were agreed to:

Whereas a "preamble and resolutions upon the subject of expunging from the journal of the senate of the United States a resolution of that body, and relative to the right of instruction," were passed by this general assembly on the 20th day of the present month, (February, 1836), and by one of the said resolutions, the governor of this commonwealth was requested to transmit the same "to each of the senators from Virginia in the congress of the United States, with a request that they lay the same before the senate," and whereas, the governor of this commonwealth has refused to transmit the aforesaid preamble and resolutions, in pursuance of the request aforesaid, and contrary to the usage of the executive of this state: Therefore,

Resolved by the general assembly of Virginia, That the speakers of the senate and house of delegates be, and they are here-

by requested forthwith to transmit the aforesaid preamble and resolutions to each of the senators from Virginia in the congress of the United States.

Before adopting these resolutions,

A protracted conversation ensued, in which Messrs. Watkins, Madison, Woolfolk, Fontaine and Wilson of Bot. of the majority, and Messrs. Stanard, Parker, Witcher, Gilmer, Botts, Powell and Brown of Pet. on the part of the minority took part, on the point whether the governor's course was a *departure from usage* or not. The minority contended that although the usage was for the executive to transmit—yet in this case, a new feature was added, the governor being requested to request the senators, &c. They alleged that no precedent could be shown when a former governor had been put under this requisition, quoted precedents showing the contrary, and argued that therefore Mr. Tazewell's refusal was not against usage. Mr. Witcher added, that no governor before had been required to transmit instructions which he believed unconstitutional, and that this was the first case of the kind in which a legislature and governor had disagreed. The majority alleged precedent, without going into distinctions.

Mr. Parker moved to strike out the words "against usage," and Mr. Watkins assented, but finally voted against the motion. Mr. Fontaine alone of the expunging majority we believe, voted for it.

Mr. Watkins' preamble and resolution were finally adopted, and the speakers made the organs of transmission.

PROCEEDS OF LAND SALES.

In senate, January 27.

Mr. *Ewing*, of Ohio, made the following report:

The committee on public lands, to whom was referred a bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain states, report:

That they look upon the leading measure proposed by the bill as one of great national importance. The gradual operation of a system, devised in the early history of our government, for the support of the public credit, and for reducing the public debt, has, within a short time past, produced its full and final effect. The public debt is discharged, and existing commercial regulations, which the condition of our country renders indispensable, together with the sales of the public lands, bring yearly a large surplus fund into the treasury. This fund which is no longer taken up in the payment of a national debt, and which still remains unappropriated, has already arisen to the amount of about twenty-four millions of dollars; and as it does not arise from transient causes, it goes on increasing, and must continue to increase. This state of things is not at all desirable. Its natural tendency is to produce extravagance in the appropriation and wastefulness in the expenditure of public money. Indeed, it seems to be conceded by all that this large surplus ought not to remain and accumulate in the public treasury; and there have been suggested, as means of lessening the amount, and preventing a future accumulation—

First. The reduction of the customs;

Second. Increased expenditures in the navy and fortifications;

Third. A reduction of the price of public lands, and the surrender of large portions of them to the states in which they lie; and,

Lastly. This bill, which proposes to distribute the proceeds of the public lands among the several states, leaving the receipts from customs to defray the ordinary expenses of government in time of peace.

The first named measure—a reduction of the customs—cannot be resorted to without awakening feelings dangerous to the peace and harmony of the country. The tariff law now in force is the result of a compromise of the opinions of the citizens of different sections of the union, and ought not to be disturbed, unless a strong political necessity call for its modification. Under this law, or, indeed, any law, keeping up such duties as are necessary for the proper regulation of commerce, it is believed that the customs will produce a revenue at least equal to the ordinary wants of the government. The surplus, therefore, cannot be reduced by lessening the amount of the customs.

The next measure proposed is a large increase of appropriations upon our fortifications and navy, so as to absorb the surplus revenue, and at the same time put the country in an attitude of defence in the event of a foreign war. Such increased appropriation, to some extent, is, in the opinion of your committee, necessary and proper. There ought to be dealt out with a liberal hand all that can be well applied to render the seabord safe from foreign aggression; but the amount asked by the executive for both these purposes does not, with the other current expenses of government, exceed the probable receipts from customs for the ensuing year, if the country be not involved in war. And is it not, in the opinion of your committee, proper that an expenditure should be made in the construction of fortifications or naval armaments for the purpose of exhausting the surplus revenue. If it be, the expenditure of money is made at once the *primary object*, and the improvement of the national defences but subordinate or auxiliary thereto. This would be true in fact, as well as in form. If much money were expended, it would necessarily be applied to little purpose. We might on a sudden emergency, in a short time, by large expenditure, prepare fortifications which would serve the purpose of a temporary defence; but all those substantial works which are to stand as our future and permanent fortresses require time, a selection of materials, and skilful engineers, which it is not in our power to supply much beyond what is necessary in expending judiciously and skilfully our ordinary appropriations. So also, with respect to the navy.

But to this project there is another and a serious objection. The expenditures in support of the government are, much the larger portion of them, upon our seacoast, and in our great commercial cities. This proposed extraordinary expenditure would very much increase that amount, and draw to the seacoast other large sums of money which ought properly to have a general distribution over the whole United States. Nor could we expect such a system, if once adopted, to cease, or even to diminish, for ages. No nation was yet ever known voluntarily to lessen its expenditures. If we commence a system of fortifications for the purpose of expending money chiefly, and put in a secondary degree only for defences, there will be no limit or end to the means it will furnish us of exhausting our national resources. Hundreds of millions may be expended with a tolerable show of public necessity or convenience, when it is not, on the other hand, deemed necessary to guard and to save the public treasure. It appears clear to your committee, therefore, that an amount of money large enough to exhaust the surplus revenue could not, at present, be expended in this manner advantageously to the country.

The reducing of the price of the public lands, and ceding them to the states in which they lie, is another mode proposed to lessen the receipts in the treasury, and thus prevent the influx of a surplus revenue.

Propositions such as these were referred to the committee on manufactures at the first session of the twenty-second congress, and on the 16th of April, 1832, they presented a detailed report to the senate, in the general views and reasoning of which your committee concur; and they herewith present the same, and make it a part of their report. That paper, in the opinion of your committee, demonstrates the injustice and impolicy of such a disposition of the national domain; and subsequent experience has confirmed their reasoning.

But other similar propositions, varying from those considered in that report, in some of their features, have been referred to your committee. Among these, are

A proposition to graduate the price of the public lands according to quality; and

To grant the lands to the states in which they lie, after they shall have been offered for sale for a given time.

To each of these your committee have given a careful consideration.

These propositions appear to be suggested for the benefit of the states in which the public lands are situated, for it is easy to prove that the interests of the United States, as the great landed proprietor, would not be subserved by either of them. The graduation of the price of the public lands is in no wise necessary or expedient, as a measure to effect their sale. Lands which have been long in market become surrounded by settlements. If they be hilly, they become valuable for their timber and stone, and other mineral productions. If swampy, or barren, they form a convenient appendage to neighboring farms for pasturage; and if not worth entering at the minimum price for any of these purposes, the public suffers no loss in permitting them to remain open and unappropriated.

Experience has fully shown that the rise in the value of the public lands increases in proportion to the time that it is in market, or rather to the number of the sales and density of the settlement near and around it. This fact is strongly illustrated by a reference to the sales of the public lands at the several land offices for a series of years. By this it will be seen that a larger per centum of the lands actually in market at private sale has generally sold at the *old* than at the *new* offices, and that per centum has generally increased in proportion to the *time* the lands have been in market. It is a remarkable fact, bearing upon this proposition, that in no state or territory have the sales of public lands at private sale been so great in proportion to the quantity in market within the last five years, as in Ohio, in which state the public lands have been longest exposed to sale.

Your committee are also of opinion that such graduation or reduction in the price of the public lands would operate to the injury, and not the benefit of the section of country in which such lands lie. If the amount of public land, the price of which was thus reduced, be great, its first and immediate effect would be to reduce the value of all the lands in its vicinity *pro rata* with the reduction of the public lands. To those who were full handed, and able to make large purchases, it might open a fine field for speculation and profitable investment of capital; and if the price were reduced low, so as to make it an object with the capitalist, the public lands would be purchased up at once, on speculation, and retailed at an advanced price. It would thus cause a fluctuation in the value of land, a fall and a rise in its price, which is ever favorable to the sharp-sighted and sagacious speculator, but inimical to the interests of the agricultural portion of the community. Your committee therefore think that no interest which ought to be cherished and protected by the government requires the graduation of the price of the public lands.

The proposition to cede the public lands to the states in which they lie, after they shall have been offered for sale a

given number of years, is liable to many and serious objections. This project is, no doubt, well calculated to meet with favor in those states in which there is yet much public land unsold, as it holds out to them an apparent prospect of a vast accession to their resources. But it is, in the opinion of your committee, entirely delusive. The several states which form parties to the national compact have all an equal right to, and an equal interest in, the national domain, and such an application of it to the use of some of the states, which is not just to all, cannot be expected to meet with general favor.

Such a disposition of the public lands would be, indeed, a violation of a solemn contract which was adopted by, and made binding under, the constitution of the United States. The deed of cession of Virginia, by virtue of which we hold by far the largest and most valuable portion of our territory east of the Mississippi river, contains a clause, common to all the cessions of the several states, which provides that, after certain reservations shall have been made, and certain bounties satisfied, the lands so ceded "shall be considered a *common fund*, for the use and benefit of all of the United States, members of the federal alliance," "and shall be *faithfully and bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." This deed of cession was made by Virginia and accepted by congress prior to the adoption of the constitution. It therefore became and was a compact before the adoption of the constitution, and is referred to and made binding by the first section of the fifth article of that instrument. It is, in the opinion of your committee, too clear to require an argument, that the giving of all the residue of these lands to the states in which they lie, after they shall have been offered for sale for a period of years, will not, if any lands of value remain unsold, be disposing of them *bona fide*, for the benefit of all the states, according to the requisition of this solemn compact. The principle on which grants of land have been made to the several states in which the public lands lie, for public works of any kind, is, that the United States being a large landholder, have, in the management of that property, a right to do what any other landholder, who consulted his own interest, would do—appropriate a portion of his lands, or their proceeds, to open roads and canals, and to construct public works in their neighborhood, so as to enhance their value, or bring them sooner to a market. But this proposed gift or cession of the residue of the lands, after they shall have been in market five or ten years, cannot be sustained on that ground. A gift or conveyance of *a part*, on condition that it be so applied as to make the *residue* more valuable than the whole would otherwise have been, is a *bona fide* disposition of such part of the fund for the use of all those who are entitled to share in it; but, if we give away the *whole residue* at any time, when that residue possesses value, we as certainly misapply the fund and abuse the trust; for, in that state of things, nothing remains to be enhanced in value, and the gift is to *one* state or to a *few* states, whereas the trust is for all, and congress is required to dispose of the land *bona fide* for the benefit of *all*.

But, if congress had the right to give the residue of the lands, after they should have been offered for sale five or ten years and still remain unsold, to the states in which they lie, such a disposition of them would be unequal among themselves, and therefore unjust. It would not give them lands in proportion to the population of each, or to the amount that each, or the citizens of each, had paid for lands into the public treasury. The state of Ohio would receive, on this proposition, certainly less than four millions of acres, (the amount depending upon the time the land should be in market before it be surrendered) that is, about four acres to each individual in the state, while the public lands in the state of Ohio have brought into the treasury about seventeen millions of dollars, besides satisfying to a large amount the debts of the government.

Missouri, upon a like mode of distribution or surrender, would have not less than twenty-five millions of acres, or about one hundred and sixty acres to each individual, black and white, according to the census of 1830. Thus, one inhabitant of Missouri would receive a quantity of land equal to what would be received by forty inhabitants of Ohio; and, while the lands in Ohio have brought seventeen millions into the public treasury, the lands in Missouri have brought in less than four millions. This disparity, therefore, would be very unjust to Ohio, but still more so to the other states of the union having equal rights, and which, on this principle of surrender, would receive nothing. It cannot, therefore, be expected by any one, however strongly solicitous he may feel for the advancement of the new states, that such a measure will be adopted. Something more equal and more just must be thought of by those who wish to promote their interests and add to their prosperity.

There are other measures proposed, which, if adopted, would affect, more or less, the interest of the United States in the public land, by lessening its general value, and rendering its management more complicated and difficult. One of the first, and not the least important of these, is the law granting pre-emptions to actual settlers, and which was first passed on the 29th day of May, 1830, and which, with some modification, is still in force. The intent of this law was that of kindness and benevolence. It was enacted for the benefit of the poorer class of citizens, who, having pushed forward beyond the lands offered for sale, settled and improved the public lands, and made themselves a home, with some comforts around them, and had become able, by their industry, to pay for these lands at the minimum price. It seemed hard that these pioneers, who had thus improved the lands by their labor should be compelled to enter into competition with new adventurers at the sales, and thus pay for improvements which they themselves had made. Such appear to have been the reasons for the enactment of these laws. They provided that, when two individuals cultivated one quarter-section of land, each should be entitled to the pre-emption of half the tract so jointly cultivated, and each, also, to a pre-emption of eighty acres any where in the same land district; and, by a supplementary law, the claims were made assignable.

Your committee have satisfactory information that these laws have been the cause of frauds and perjuries, to an amount and number almost incredible. Thousands of pre-emptions have been proved under them, and certificates granted, when the whole case was without the least shadow of foundation. In other cases, the cutting down of a single tree, the marking it with a hatchet, or encamping for the night, has been made the ground of pre-emption claims. In most of the last named cases, two individuals would together cut down their sapling, or tie each his horse upon the same quarter-section of land: this, with the oath founded upon it, which appears to be always according to form, would get for each of the individuals a certificate or warrant, now familiarly called "*a float*," which they might lay on any of the lands of the United States which was surveyed, and not offered for sale; thus taking, at the minimum price of $1 25 per acre, lands worth, in many instances, more than twenty times that sum. Large companies, it is believed, have been formed, who procure affidavits of improvements to be made, get the warrants issued upon them, and, whenever a good tract of land is ready for sale, cover it over with their *floats*, and thus put down competition. The frauds upon the public within the past year, from this single source, have arisen to many millions of dollars.

Your committee believe that a great error was committed by the passage of these laws, and that no amendment or modification will guard against the mischiefs which they have heretofore produced. Claims of this kind cannot, in the very nature of things, be subjected to judicial investigation: or, if they were, the means of eliciting truth, the confronting of witness against witness by parties who are stimulated on both sides to the uttermost to rebut and repel, cannot be brought to bear upon the examination of these claims. Hence a few individuals, whose evidence can be purchased with a price, and who can appear under different names at pleasure, may, under the auspices of these laws, divert millions of money from the public treasury into the coffers of their employers.

The system early adopted for the disposition of the public lands of the United States is admirable, and, in the opinion of your committee, ought not to be broken in upon or departed from. The pre-emption laws have, more than any other cause, tended to unsettle and derange them, and they have thrown upon the general land office a mass of labor, most unpleasant in its character, and difficult to be performed. The good which they do bears no comparison to the evil; for every dollar which the poorer settlers save by them, hundreds are lost by the government, and fraud, and perjury, and unlawful combination and lawless violence, to put down competition at public sales, have arisen out of their provisions. In the opinion of your committee, they ought to cease.

There are also connected in some measure, with this subject, several bills and memorials referred to your committee, proposing or praying for grants of land for seminaries of learning, for public education, or to aid in constructing works of internal improvement. These are all meritorious objects, and your committee are disposed to give the most favorable consideration. But there are many difficulties attending the action of congress on these special subjects. The very great extent of our country, the general feeling that all parts of it have equal rights to the munificence of congress, the impossibility of determining which, among many institutions in the same state, ought to have such bounty as congress might be disposed to bestow on objects of this kind, all lead to the conclusion that it were better to put it in the power of the several states to confer these bounties, and select the most worthy objects, than to attempt here to perform that office.

The rapidity with which the public lands now sell, the ease with which they are converted into money, the abundance of money now in the treasury, and the moral certainty that there will be, for a long time, enough, and more than enough, to meet the current expenses of the government, have impressed strongly upon your committee the opinion that it is impolitic and inexpedient to make a donation of *land* for any *object*, where a donation of money may be as lawfully made, and will effect the same end. These donations or transfers of land are liable to the objection that they tend more or less to confuse and complicate the land system. They all add something to the duties of the officers of the United States who have charge of the public lands, and they serve to embarrass the purchaser, who has not, as he would without them have, one set, and one only, of land offices to whom he is to resort for the entry of lands. There is another objection. Though it be the fact that a donation of land by law is equivalent to a donation of money, yet we do not always feel it exactly so. There is a natural tendency to consider it more highly than it deserves, and to treat it too highly in legislation.

Your committee, on the whole believe that it is better, if congress have the constitutional power, to distribute among the several states, according to their respective rights, the proceeds of the sales of the public lands, allowing the states to use it for any or all of the purposes set forth and recommended in these bills and memorials; but that the lands themselves should not be assigned over, given away, or granted by congress; that the ancient system of sales should be carefully preserved, and that all the deviations from it, which have caused much waste and confusion, should, as soon as possible, be corrected, and the former order of things fully restored.

The question of constitutional power has occupied the careful and sedulous attention of the committee; and they here present to the senate the course of reasoning on that subject which they consider sound and just, and which has led them to the conclusion that congress possesses the power to distribute the proceeds of the public lands according to the principles of this bill.

At the time the deed of cession from Virginia was made and accepted, the union was held together by the articles of confederation of 1778, which, in its 8th article, provides "that all charges of war and other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states."

The mode of determining the proportion which each of the states shall bear of the public charges, is particularly pointed out, and it is there provided that "the taxes for paying that proportion shall be laid and levied by the authority and direction of the several states." To this state of things, existing at the time of the delivery of the Virginia deed of cession, its provisions must necessarily apply. It was to a confederacy of independent states, who kept up a common treasury out of contributions from each of its several members, according to a determinate regulation, that this deed was made; and after making certain reservations specially set forth, it declares the trust in the following distinct and unequivocal terms: "That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever." If, then, we had still continued, down to the present time, a confederation of states, bound together by the articles of 1778, and if, as is now the case, the public debt were discharged, the public expenses borne by revenues from other quarters, and the public land pouring its millions into the treasury, what ought congress, as the trustee of that common fund, to do with it? It is a trust fund, placed in the hands of congress "*for the use and benefit of the several states*," and it is to be disposed of "*bona fide*" for that purpose, "*and for no other use or purpose whatsoever.*"

So long as there was a public debt to be paid, this fund was well applied for the common benefit in the payment of that debt, as the debt was a common charge upon all, "according to their usual respective proportions in the public expenditures." And so long as it was necessary for the support of government, its application to that purpose was right, for the same reason; but when this state of things has ceased, when the proceeds of the public lands are no longer necessary for either of these purposes, what is it the *duty of the trustee* to do with it, according to the letter and spirit of the deed of trust? And what, were it a case between individuals, would a court of equity compel him to do? The answer is plain and obvious. He not only *might pay it*, but he would be *bound* to pay it over to those for whose benefit he held it. If it were not necessary to disburse it *for them*, he must restore it *to them*. This, as between individuals, would be a plain case, and your committee cannot perceive how it is varied when applied between states and nations. If, then, we had remained as we were, members of the old confederation; if the constitution had not intervened, to change in anywise the relations of the states to each other, or to the whole, it would have been not only the right, but the duty of congress, pursuant to the spirit of that deed of cession, to have distributed among the several states the proceeds of the sales of the lands contained within the bounds of that grant. The delivery and acceptance of this deed amounted to a *contract*, and the above is, according to the opinion of your committee, the just construction of that contract.

But the rights and duties of the United States, as a contracting party, are not at all changed by the adoption of the constitution. The 1st section of the 6th article of that instrument provides "that all debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation;" so that our rights and our duties, with regard to this trust, are the same precisely that they would have been under the old confederation. All that has been said relative to the deed of cession from Virginia, applies equally to the cessions from the other states, except Georgia, whose deed bears date after the adoption of the federal constitution; but, with this exception, it is in tenor and spirit the same with the deed above considered.

Your committee are hence led to the conclusion that, with respect to the proceeds of all the lands north of the 31st degree of latitude, and east of the Mississippi river, congress not only has the constitutional power to make the proposed distribution, but it is a duty enjoined on them by a contract which is recognized and adopted by the constitution.

As to the land lying within the bounds of the original purchase of Louisiana and Florida, our right so to apply it rests upon less satisfactory grounds. We have no compact concerning it; no constitutional provision, or any agreement recognized by the constitution, which expressly authorised the *purchase* of this additional territory, or which places the land so purchased in the same situation with that which was originally transferred to congress by the states. But the right to acquire the additional territory is no longer an open question. It has been settled, and, by virtue of its adjustment, we have already received into the union two states, and the prosperity of the whole country has been thereby greatly enhanced. It would seem that, when a large extent of territory was added to that which heretofore belonged to the United States, it ought to be subjected to the same constitutional and legal principles which governed in the disposition and management of the lands which we held at the time of the formation of the constitution. It has been so, strictly, in all things, so far as it related to jurisdiction; it would seem just and reasonable that it should be so as to soil also.

But, in every estimate which has been as yet presented of the costs and the proceeds of the public lands, whether by the secretary of the treasury or by committees of congress, the money paid for Louisiana and Florida has been charged to this fund, and it continues to be so down to the last report of the secretary of the treasury, of the 8th of December, 1835. If this be correct, if the public lands have been made the fund out of which this large purchase has been paid, it is in truth but a conversion of the receipts for land into other lands, which would, as a necessary consequence, follow the same law of distribution which applied to the original subject out of which the payments were made. The fact that other great and important advantages were derived to the union from the purchase of these two territories, does not at all weaken the force of the argument, but leaves it, in this particular instance, precisely as it would have stood if there had been a purchase of land merely out of the funds arising from the sales of lands; and, by the well-known principles of equity, the trust attends the fund, whensoever invested.

Your committee have not taken into consideration the question whether congress have power, under the constitution, to distribute a portion of the general revenue among the several states, but have chosen to rest the measure proposed by this bill on its own special grounds.

The expediency of this measure appears from considerations heretofore suggested, nor those alone. The distribution of the proceeds of the public lands among the several states would cause a watchful censorship over this branch of the public revenues, which has fallen into confusion by past negligence and inattention. The representatives in congress from the several states would be induced, by the interest which their immediate constituents must feel in the subject, to prevent the waste of the public lands as well as of public money, and to watch over the national domain as a matter in which those to whom they are responsible have a direct and immediate interest.

It would withdraw from the treasury of the United States the surplus revenue, without infringing on the constitution, or touching any of its provisions. The money so withdrawn will be, in effect, restored to the pockets of the people, as it will thus enable the several states to exempt their citizens from a direct and burdensome taxation, which they now of necessity impose to effect those public improvements which the situation of the whole country demands, and which are requisite to the prosperity and advancement of each particular state. So long as the law may be continued in force, it will be a steady, regular and certain resource for these and like purposes to the several states, nor ought they, or will they, feel that it is a gift gratuitously given and submissively received. If our views of the subject be just, it is, in the present state of the treasury, their own as a matter of equity, not of mere favor; and state pride would not be humbled, or state independence endangered, by receiving it.

By a provision of the constitution of the United States, the several states are denied the right of laying imposts upon commerce—that easy and indirect mode of raising a revenue which is hardly felt by a people. They are, therefore, generally compelled to resort to direct taxes upon land and goods, and in the western states, on land especially, to provide for the wants of government, and to construct such works of internal improvement as their wants and welfare may require; and in some of the states those taxes have borne heavily upon the people. That burden, by the distribution proposed by this bill, would be lightened, and a large annual fund placed in the hands of the several states, which would enable them to extend the benefit of their improvements as fast and as far as the general interests might require.

Your committee entertain no doubt that, if our country continues in a state of peace, and if no unforeseen calamity should visit it and mar its prosperity, the receipts from customs brought down to the lowest standard that existing laws contemplate will still be amply sufficient for all the current expenses of the

government, economically administered. The estimates which are sent us from the secretary of the treasury of those probable receipts have not for some time past approached very nearly to accuracy; they, therefore, cannot be received as the basis of an estimate.

The increased population and business of the country, the very force of circumstances, which none can control, pours into the treasury millions upon millions, which its officers were not led to anticipate, and which they hardly seem yet to realize. In the report of the secretary of the treasury of the 8th of December, 1835, he estimates the revenue of the last quarter of that year at $4,950,000. But, in answer to a resolution of the senate of the 5th of the present month, he shows that the actual receipts for the same quarter have in fact amounted to about $11,149,000, exceeding the amount of the estimate by about $6,200,000, while the whole receipts of the year 1835 have exceeded his estimate by about $14,629,000.

Having formed the opinion that it is within the constitutional power of congress to pass this measure; that the finances of the nation will not be too much diminished, or at all deranged by it; and that the general prosperity of the country would be increased by its adoption, your committee have thought it within the range of their duty to estimate, as nearly as may be, from the data within their power, the probable annual amount which will arise from the sales of the public lands, and be subject to distribution, should this bill become a law.

In looking into the future of human affairs, and judging of them from the past, we are constantly liable to error, arising from the difficulty of estimating all the disturbing causes which may intervene to produce a fluctuation in the course and current of events. On this subject, however, there are more stable and constant elements, which go to make up the data of our calculations, than generally enter into financial estimates.

The sales of the public lands rest essentially on the wants of the husbandman, and are limited to a quantity little exceeding those wants. It is true, when the price is much below its actual value, it may become a subject of extensive speculation, but even then the amount of sales resolves itself into the same element, and speculation merely goes in advance of the farmer, who purchases for actual occupation, without increasing the aggregate of sales in a series of years. The principles of population which have developed themselves in the United States in the last forty years will not, probably, change materially in a like period to come, for, within that time, none of those causes which operate as checks upon population can, in the ordinary course of things, have existence here; nor is it probable that the pursuits of the great body of the people will essentially change; for the same causes which have made us an agricultural community are likely to continue, without diminution, so long as the means of subsistence remain, as now, abundant and easy to be procured; and so long as there is a wide public domain parcelled out and ready for sale on moderate terms, placing a home and a freehold in the power of all that have the wish to possess them. The population of our country is, therefore, likely to continue its ratio of increase, and the habits and pursuits of our people to remain the same. Hence the investments in land for the use of the agriculturists will increase in like ratio as heretofore with the increase of our population.

Prior to the year 1800, but little land had been sold by the United States, and there was at that time, of wild and uncultivated land within the bounds of the now states of Maine, Vermont, New York, Pennsylvania, Virginia, Georgia, Tennessee, Kentucky and Ohio, belonging to the states and individuals, a very large quantity, the amount of which cannot be very accurately ascertained, but it is safe to say that it exceeded one hundred millions of acres. This has all, or nearly all, since passed into the hands of actual settlers; and there have been sold and granted, of the lands of the United States within that period, about fifty millions of acres. Thus it appears there have been taken up and converted to the use of the husbandman, within the last thirty-five years, about one hundred and fifty millions of acres of wild land; and in the mean time little or none heretofore cultivated has been abandoned. The population of the United States in 1800 was four millions nearly; at this time it is about fourteen millions five hundred thousand; and as the increase upon four millions has, in thirty-five years, required one hundred and fifty millions of acres of new land, it follows that a like increase upon fourteen millions five hundred thousand will, in a like period, require about five hundred and forty millions of acres, rising from the beginning to the end of the period in a ratio of progression; the average amount being about fifteen millions per year.

From the above data, your committee estimate the average receipts from the sales of the public lands for the next ten years, if the country continue in peace, if the land system be faithfully preserved, and if the sales be guarded from combination and fraud, at an average of something more than ten millions of dollars per annum. There is already in hand, to be divided by the terms of this bill, $20,571,125 75; of this, the several states will be entitled to receive the sums shown by the annexed table, and of the receipts of the next succeeding year, until the next census, in nearly the same proportions:

Your committee report the bill back with amendments, and recommend its passage.

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The following tables form a part of the appendix to the report, and, being considered valuable, are here inserted (the first of them having been heretofore published, but worth repeating):

Table showing the amount to which each state will be entitled.

	Federal population.	Share for each state.	Fifteen per cent. to new states.	Total to new states.
Maine	399,437	689,028		
New Hampshire	269,326	464,587		
Massachusetts	610,408	1,052,953		
Rhode Island	97,194	167,659		
Connecticut	297,665	513,472		
Vermont	280,657	484,133		
New York	1,918,553	3,309,503		
New Jersey	319,922	551,865		
Pennsylvania	1,348,072	2,325,424		
Delaware	75,432	130,120		
Maryland	405,843	700,079		
Virginia	1,023,503	1,765,554		
North Carolina	639,747	1,103,563		
South Carolina	455,025	784,918		
Georgia	429,811	741,423		
Kentucky	621,832	1,072,660		
Tennessee	625,263	1,078,578		
Ohio	935,884	1,614,400	230,844	1,845,244
Louisiana	171,694	296,172	67,561	363,733
Indiana	343,031	591,728	325,485	917,213
Illinois	157,147	271,078	483,760	754,838
Missouri	130,419	224,972	174,354	399,326
Mississippi	110,358	190,367	788,403	978,770
Alabama	262,508	452,826	541,940	994,766

A table showing the amount received for the sales of public lands in each state and territory, to the 30th September, 1835.

Year.	Ohio.	Indiana.	Illinois.
From 1796 to 1800 inclusive	$100,783 59		
1801	168,125 01		
1802	188,628 02		
1803	165,675 69		
1804	487,526 79		
1805	540,193 80		
1806	765,245 73		
1807	433,839 47	$13,000 50	
1808	594,460 84	32,830 51	
1809	395,451 19	41,431 57	
1810	569,964 80	51,448 59	
1811	886,821 21	75,794 99	
1812	552,900 51	92,973 49	
1813	691,324 13	70,533 40	
1814	885,269 30	158,308 27	
1815	974,396 75	172,426 80	$35,000 00
1816	993,313 07	341,487 34	55,105 96
1817	1,080,428 54	672,326 98	95,244 44
1818	902,311 88	538,318 93	368,038 80
1819	552,986 29	507,997 42	299,461 58
1820	398,260 62	400,423 42	134,355 15
1821	267,195 17	342,144 04	75,595 19
1822	472,075 87	444,359 35	61,216 82
1823	203,098 16	222,256 66	47,600 34
1824	234,330 01	203,082 11	74,669 37
1825	234,895 75	199,899 57	50,784 49
1826	184,548 92	256,187 19	108,341 14
1827	306,105 34	343,887 08	50,717 52
1828	161,609 92	318,418 06	88,161 80
1829	187,909 53	348,859 52	198,609 72
1830	144,510 84	627,181 75	396,204 31
1831	304,386 22	572,654 12	375,260 27
1832	360,641 14	527,366 48	228,292 69
1833	475,812 82	459,939 82	374,138 51
1834	471,394 50	769,584 32	402,470 68
To 30th Sept. 1835	443,815 62	705,359 93	1,836,343 21
	16,780,177 04	9,510,481 71	5,355,611 99

Table continued.

Year.	Missouri.	Alabama.	Mississippi.	Louisiana.
From 1796 to 1807 inclusive.	.	.	$19,323 80	
1808	.	$620 00	20,087 71	
1809	.	320 00	5,049 57	
1810	.	36,087 12	39,048 31	
1811	.	46,388 24	31,333 09	
1812	.	54,247 75	10,306 03	
1813	.	42,359 61	31,438 00	
1814	.	74,847 07	17,546 45	
1815	.	32,540 30	73,595 43	
1816	.	162,520 66	165,558 00	
1817	.	51,617 59	91,608 51	
1818	$57,524 87	573,761 41	95,500 00	
1819	635,721 64	1,167,957 62	74,660 20	
1820	148,645 50	431,025 65	116,104 31	
1821	99,327 18	306,097 79	68,379 70	$46,733 20
1822	139,603 10	520,505 65	74,215 34	78,000 00
1823	55,307 14	295,585 79	13,957 36	16,380 11
1824	126,318 02	204,312 36	88,477 94	3,000 00
1825	87,853 92	215,916 68	188,254 66	14,295 01
1826	66,882 59	443,219 96	148,535 06	23,812 10
1827	188,341 52	127,232 36	88,995 16	120,543 08

1828	156,723 83	104,868 83	101,611 55	15,876 34
1829	235,013 29	259,606 31	116,648 87	28,000 00
1830	224,609 03	475,471 71	148,254 07	76,730 50
1831	341,994 05	925,628 26	173,780 93	83,870 93
1832	305,624 72	451,886 36	307,900 51	100,455 00
1833	334,860 02	531,722 54	1,153,054 83	108,018 09
1834	244,947 63	1,003,156 56	1,189,228 92	106,315 58
To 30th Sept. 1835	436,916 50	1,558,543 50	2,185,306 14	177,057 53
	3,886,224 55	10,097,347 68	6,837,770 45	999,087 47

Table continued

Year.	*Michigan.*	*Arkansas.*	*Florida.*	*Total each year.*
From 1796 to 1800 inclusive.	.	.	.	$100,783 59
1801	.	.	.	168,125 01
1802	.	.	.	188,628 02
1803	.	.	.	165,675 69
1804	.	.	.	487,526 79
1805	.	.	.	540,193 80
1806	.	.	.	765,245 73
1807	.	.	.	466,163 27
1808	.	.	.	647,939 06
1809	.	.	.	442,252 33
1810	.	.	.	696,548 82
1811	.	.	.	1,040,237 53
1812	.	.	.	710,427 78
1813	.	.	.	835,655 14
1814	.	.	.	1,135,971 09
1815	.	.	.	1,287,959 28
1816	.	.	.	1,717,985 03
1817	.	.	.	1,991,226 06
1818	$71,108 88	.	.	2,606,564 77
1819	35,638 03	.	.	3,274,422 78
1820	7,056 96	.	.	1,635,871 61
1821	7,494 19	.	.	1,212,966 46
1822	10,786 41	$2,819 00	.	1,803,581 54
1823	38,797 95	23,529 59	.	916,523 10
1824	50,026 01	202 33	.	984,418 15
1825	138,376 76	5,079 42	$80,724 30	1,216,090 56
1826	122,250 51	10,908 00	29,099 62	1,393,785 09
1827	59,200 70	5,226 00	205,596 50	1,495,845 26
1828	29,829 17	1,000 00	40,209 25	1,018,308 75
1829	70,275 74	1,238 00	70,914 15	1,517,175 13
1830	178,516 65	1,833 53	56,043 75	2,329,356 14
1831	388,848 07	3,955 50	40,997 13	3,210,815 48
1832	317,635 42	13,538 05	10,040 66	2,623,381 03
1833	501,272 79	18,114 27	10,847 86	3,967,681 55
1834	573,652 66	88,664 86	8,184 98	4,857,600 69
To 30th Sept. 1835	1,359,129 68	460,493 78	3,625 00	9,166,590 89
	3,959,896 58	636,642 33	556,283 20	58,619,523 00

Table continued.

Amount paid into the treasury, on account of the sales of the public land, from the earliest period to the 30th September, 1835		$58,619,523 00
There was also paid, during the same period, for the public land, viz:		
Certificate of public debt and army land warrants	$984,189 91	
Mississippi stock	2,448,789 44	
United States stock	257,660 73	
Forfeited land stock and military scrip	1,719,333 53	
		5,409,973 61
		$64,029,496 61

—

THE BILL.

The following is a copy of the bill introduced into the senate some weeks ago, and which is the subject of the foregoing report:

A bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain states.

Be it enacted, &c. That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and thirty-two, there be allowed and paid to each of the states of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi and Louisiana, over and above what each of the said states is entitled to by the terms of the compacts entered into between them, respectively, upon their admission into the union and the United States, the sum of ten per centum upon the net proceeds of the sales of the public lands which, subsequent to the day aforesaid, shall have been or may be made within the several limits of the said states; which said sum of ten per centum shall be applied to some object or objects of internal improvement or education within the said states, under the direction of their respective legislatures: *Provided*, That the sum so allowed to the said states, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said states.

Sec. 2. *And be it further enacted*, That, after deducting the said per centum, and what, by the compacts aforesaid, has heretofore been allowed to the states aforesaid, the residue of the net proceeds of all the public lands of the United States, wherever situated, which shall have been or may be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-four states of the union, according to their respective federal representative population, as ascertained by the last census, to be applied by the legislatures of the said states to such objects of education, internal improvement, colonization of free persons of color, or reimbursement of any existing debt contracted for internal improvements, as the said legislatures may severally designate and authorise: *Provided* That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the states within which they lie, nor to impair the power of congress to make such future disposition of the public lands, or any part thereof, as it may deem expedient.

Sec. 3. *And be it further enacted*, That the several sums of money received in the treasury, as the net proceeds of the sales of the public lands for the years eighteen hundred and thirty-three, eighteen hundred and thirty-four and eighteen hundred and thirty-five, shall be paid and distributed as aforesaid at the treasury of the United States, on the first day of May, eighteen hundred and thirty-six; and those which shall be received for the years eighteen hundred and thirty-six and eighteen hundred and thirty-seven shall also be paid at the treasury half-yearly, on the first day of July and January in each of those years, to such person or persons as the respective legislatures of the said states shall authorise and direct to receive the same.

Sec. 4. *And be it further enacted*, That this act shall continue and be in force until the thirty-first day of December, one thousand eight hundred and thirty-seven, unless the United States shall become involved in war with any foreign power, in which event, from the commencement of hostilities, this act shall cease and be no longer in force: *Provided, nevertheless*, That if, prior to the expiration of this act, any new state or states shall be admitted into the union, the power is reserved of assigning by law to such new state or states the proportion to which such state or states may be entitled upon the principles of this act, and upon the principles of any of the compacts made as aforesaid with either of the seven states first mentioned.

Sec. 5. *And be it further enacted*, That, until the said thirty-first day of December, one thousand eight hundred and thirty-seven, there shall be annually appropriated for completing the surveys of said lands, a sum not less than eighty thousand dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased; and in case the same shall be increased by law, within the period aforesaid, so much of this act as provides that the net proceeds of the sales of the public lands shall be distributed among the several states shall, from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, any thing in this act to the contrary notwithstanding.

Sec. 6. *And be it further enacted*, That whenever, for two successive years, it shall appear to the secretary of the treasury that the net proceeds of the sales of the public lands, within any land district now established, or which may hereafter be established by law, shall not be sufficient to discharge the salaries of the officers employed by the United States within such district, he may discontinue such officers, and the lands contained in such district remaining unsold shall, in such case, be annexed to the adjoining district.

Sec. 7. *And be it further enacted*, That there shall be granted to each of the states of Mississippi, Louisiana and Missouri, the quantity of five hundred thousand acres of land; to the state of Indiana, one hundred and fifteen thousand two hundred and seventy-two acres; to the state of Illinois, twenty thousand acres; and to the state of Alabama, one hundred thousand acres of land, lying within the limits of said states, respectively; to be selected in such manner as the legislatures thereof shall direct, and located in parcels, conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in any one location on any public land subject to entry at private sale; which said locations may be made at any time within five years after the lands of the United States, in said states, respectively, shall have been surveyed, and offered at public sale according to existing laws.

Sec. 8 *And be it further enacted*, That the lands herein granted to the states above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise directed by law; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the states aforesaid, respectively, namely, roads, bridges, canals and improvement of watercourses, and draining swamps; and such roads, canals, bridges and watercourses, when made or improved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 2—VOL. XIV.] BALTIMORE, MARCH 12, 1836. [VOL. L. WHOLE No. 1,277

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

We make a *record* of the doings of the *last* meeting of the stockholders of the bank of the United States, under its late charter—as being highly interesting, and absolutely necessary to a history of that important establishment. It shews a triumphant result.

We also present the letter of Mr. *Tyler*, resigning his seat as one of the senators from Virginia, with various proceedings, as to his successor, &c. and the letter from Mr. *Leigh*, refusing to resign his seat, both which we recommend to the serious consideration of all our readers—none of whom will fail to observe, that Mr. *Leigh* has acted, in congress, on the very principles which he was sent there to maintain! The politicians of Virginia have shifted *their* ground since the *last* year—not he. "What has happened may happen again"—and Mr. *Rives* be instructed *out* of congress in the next year, for doing those things which he is now appointed to do! Senators are elected for *six years*—but thus they may be rendered *annual* appointments. This neither is the letter, nor the spirit, of the constitution—but such is the "*Virginia* construction" of the right in this matter. If Mr. *Leigh* is supported by "the people," at the next election—Mr. *Rives* must, on his own principles, resign! And thus the *Virginia* doctrine will run into a ridiculous farce.

From the *Independent Register*, published at Fincastle, Va.

It will be seen that Mr. *Tyler* has resigned his seat in the senate of the United States, because he cannot obey the *expunging* instructions of the legislature. Our legislature has, to all practical purposes, altered and subverted the constitution of the United States, by changing the term of service of United States senators from six years to that of its own good will and pleasure. We have great respect for Mr. *Tyler*, and do not intend to censure his motives, while we express our disapprobation of his course, in giving his sanction to the principle of obedience to legislative instruction.

Mr. *Rives* resigned his seat in the senate because he differed from our legislature on the deposite question, and Mr. Leigh was elected in his place; now another legislature, of different *party politics*, has caused Mr. Tyler to resign by means of instructions; and thus within the compass of one year we have two forced resignations of an office, the term of which is fixed *by the constitution* at six years. It is thus that our legislature overleaps the constitution of the United States, degrades the senate by making it subject to its changeful whims, and reduces itself to an arena for political demagogues, where graver duties are neglected for declamation, and the discussion of the conduct, duties and powers of the senate of the United States, or any other (to them) equally abstract question.

Mr. Leigh has not resigned,* and we do not know what course he will pursue. But, an advocate himself of the right of legislative instruction, he may well entrench himself within the terms of the Virginia resolutions of 1812, and refuse to obey or to resign. Those resolutions declare the right of instruction and the duty of obedience, unless the instructions require the instructed "*to commit a violation of the constitution, or an act of moral turpitude.*" This proviso necessarily constitutes the *instructed* the sole judge of the constitutionality or purity of the act required to be done.

From the "*Norfolk Herald*"—

Mr. *Tyler*, it will be seen, has resigned his seat in the senate. So far, the expungers have succeeded in their efforts to break down the independence of the senate, and render it subservient to the will of the executive. The check which the constitution provided against the possible excesses of the popular branches of the government, is, so far as forcing Mr. Tyler to resign can expedite it, one step further advanced towards its removal. Yes, we may truly say, that the senate is in a fair way to be wrested from its high destiny as the guardian of the rights of the states and liberties of the republic, which was assigned it by the framers of the constitution, and converted into a mere machine to toe the mark, and to serve the purposes of a party, of which the president is avowed to be the head.

We find no fault with Mr. Tyler for resigning; but however much we may venerate the right of instruction, we could have excused him, in such a case as this, if he had disobeyed.

In the house of representatives of Pennsylvania, March 7.

Resolved, by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, That our senators in congress, viz: general *Samuel McKean* and *James Buchanan, esq.* are hereby instructed to vote against any and every resolution which has been or may be introduced into the senate of the United States, to expunge from the journals of the senate a resolution passed on the 28th day of March, A. D. 1834, in the following words, viz: "*Resolved*, That the president, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Resolved, That the govenor be requested to communicate a copy of the above resolution to the senators aforesaid.

The said resolutions were passed by the following vote:

YEAS—Messrs. Atkinson, Bringhurst, Brooke, Buckman, Carson, Clarke, Comly, Cowen, Cox, Davies, Emmert, Ewing, Frew, Garretson, Gebhart, Gilbert, Graham, Harrison, Harshe, Hubbell, Hunter, Hutchison, (Ches.) Karns, Kauffman, Kennedy, Kirk, D. Krause, J. Krause, McCarty, McConnell, McDonald, McGiffin, McSherry, Mathers, Meyer, Mendenhall, Metzger, Montelius, Meyer, Neal, Nesbit, Norton, Oliver, Parker, Pennypacker, Reed, Riegel, Schall, Scott, G. W. Smith, J. B. Smith, T. S. Smith, Spackman, Stevens, Stahr, Taylor, Thompson, Trego, Wagner, Walker, (Alleg.) Walker, (Erie), Watson, Watts, Middleswarth, *Spr.*—64.

NAYS—Messrs. Bidlack, Bullock, Burson, Conrad, Curran, Derr, Dewart, Douglass, Ferguson, Gamble, Hall, Hasson, Hill, Hottenstein, Huston, (Fay.) Huston, (Nort'n) Jackson, Jones, Rinehart, Scheetz, Stouffer, Stout, Taggart, Woodward, Work—25.

This is an important resolution—and let it be recollected that Mr. Buchanan avowed, in his letter accepting the appointment, he would obey all instructions from the legislature or resign. They will pass the senate in a few days. He will then have a chance of acting on the principle, when it cuts against himself. They will find a sword sometimes cuts two ways.

The "American Sentinel," of Philadelphia, supposed it probable that such resolutions might, also, pass the senate, when the propriety of them was first suggested. But as *senates* are out of fashion, now-a-days—the *representatives* being only the depository of the *people's rights*, it is *n'importe* with those who hold such doctrines! Yet the *senate* of Pennsylvania, we think, will pass them.

—

The long articles in the present sheet, have excluded many minor articles and notices of events. It is hard for us to keep pace with the press of matter *demanding* an insertion; and we must do, *just as well as we can.*

—

Several interesting particulars of events that have happened in *Florida*, and notices of preparations for the future, have been received—but must be deferred. No new incident of hostility had occurred, on the part of the Indians, (as we believe), except a solitary murder; and general *Scott* has now about 3,000 men under his command to commence operations against them, which may soon be expected; and he will, probably, end the war in a short time. Many Indians were coming in—to shield themselves from the effects of *American* vengeance.

—

The "*American*" of Thursday says—

In the first branch of the city council, yesterday afternoon, a resolution was passed, by a vote of 14 to 10, to memorialise the legislature to amend the law authorising a subscription by the city to the stock of the Baltimore and Ohio rail road, so as to give to the city a larger number of directors in the rail road company than are allowed by that law. *This is a virtual rejection, by that branch, of the law recently passed by the legislature, authorising the city to subscribe three millions to the rail road.*

This, we believe, is the plain truth of the whole matter. The object seems to be, to make a *party* engine of the Baltimore and Ohio rail road—which nine-tenths, *or more*, of the present holders of the stock, and of the payers of taxes in the city of Baltimore, and the legislature of the state, will not, and cannot, agree to. The hopes of success in the completion of the road, therefore, must depend on the public spirit of the legislature of the state, and of the *private citizens* of Baltimore; the latter

*And will not—see his letter.

of whom, would, in any event, be liable for any loss that might happen, under the authority to borrow money to the amount of three millions, and they might as well make a credit of necessity, and encounter it—without the *nominal* sanction of the "corporation." The second branch of the council, however, with only *one* dissenting vote, has rejected the doings of the first branch.

—

A report has been made to the legislature of *Maryland*, by the committee of ways and means, to lend the credit of the state for eight millions of dollars, to the following purposes—3 millions, *each*, to the Ohio and Chesapeake canal, and to the Baltimore and Ohio rail road; one million to make a rail road on the Eastern Shore; and half a million each to extend the Ohio and Chesapeake canal to Baltimore, and to make a canal at Annapolis.

—

We shall, probably, have the reports of *both* committees of the two houses of congress, on the admission of *Michigan*, into the union—in the course of the ensuing week. It would appear that they have each arrived at pretty nearly the same general conclusions, (though by different arguments), which materially affects the boundaries of *Michigan*, as determined by her *state* legislature! We have not, however seen both reports, and, therefore, speak "without book."

—

We are furnished, through the *National Intelligencer*, with a copy of Mr. *Clayton's* speech in the senate, on Mr. *Benton's* resolutions, when he moved to strike out the word "surplus"—which prevailed. It is a display of beauty and power that has rarely been equalled and never excelled.

—

There have been other riots in New York, in consequence of the outrageous conduct of individuals, in attempting to force persons from employments, with the payments for which they were satisfied, that they might obtain higher rates of wages. The determined conduct of the police prevented the designs of the rioters, and arrested many of them. In the present case they were nearly all foreigners.

—

The U. S. frigate *Columbia*, a first rate vessel of her class, was safely and beautifully launched, at the navy yard, in Washington, on Wednesday last, in the presence of thousands—among them the president and vice president of the United States, heads of departments, members of congress and other official persons, and private citizens. The Columbia is a beautiful vessel. The house of representatives adjourned, for the day, to witness her descent into her "destined element."

—

A "*whole*" fool, in the legislature of Ohio, as is officially announced in the "Globe" has introduced a bill, thundering the cry of "mad-dog" at the new bank which *Pennsylvania* has established, and prohibiting, (under severe penalties), the ordinary use of its notes in that state—whereupon certain "*check-mate*" resolutions have been introduced into the senate of Pennsylvania, rendering the same *courtesy* to the state of Ohio; which are, for the present "hung up to dry" but will CERTAINLY take the forms of a law, and become a law, if the outrageous and impudent resolutions of Ohio shall be so passed by the legislature of that state. There are *two* that can play at this game—and *Pennsylvania* will not any longer "play a second fiddle." The fact is—she has been used as though she were a slave—dictated to like a child, and expected to *hurrah*, and *lend her wind*, whenever required, and even against her own favorite measures, on many important occasions. She will not do so hereafter.

And what is this hubbnb abont? Is the ability of the bank to pay its debts "*questioned?*". Ask the merchants at *Canton*, in China! Its drafts sell there for 5*s*. 9*d*. to the dollar—or for six or eight cents *more* than the dollar is worth at London, on which they are drawn, and made payable at six months *after* date!

But *Pennsylvania* has gone yet further—she stands upon her own rights—firmly based and fully capable of defending herself on any occasion, and on this especially; as the following will shew, being an extract from the proceedings of the house of representatives.

The bill to require the several banks of this state to make a statement of their affairs to the auditor general when requested so to do by him, was taken up on second reading.

Mr. Stevens offered the following new sections to the bill when it was postponed till to-morrow, that they might be printed. They will pass into a law.

That if any one of the United States should prohibit the circulation within its limits of the notes of any bank chartered by this commonwealth, then all the notes of all the banks chartered by such state shall be and are hereby prohibited from circulation within the state of Pennsylvania; and it shall be the duty of the governor to give notice of such prohibition, by proclamation, as soon as any state shall have prohibited the circulation of the notes of the bank of Pennsylvania above stated—and if any person within this state shall receive or pay out any bank note of any state, thus prohibited, after the expiration of thirty days from the publication of such proclamation, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall undergo imprisonment for not more than sixty days, or pay a fine of not less than fifty, or more than two hundred dollars. *Provided*, that this act shall not extend to the notes of any state which may prohibit the circulation of the notes of a particular denomination of the branches of this state, provided such law be general and applies to the bank notes of the same denomination of all other states, including the state thus making the prohibition.

Sec. 2d. That if any bank or banks chartered, or which may hereafter be chartered by this commonwealth, and now selected, or which may hereafter be selected by the general government or any of its departments, to receive the public deposites, shall permit the general government or any of its departments to regulate the amount of specie which it or they may be required to possess, or the denomination of notes which it or they shall receive of the notes of such banks, it or they shall refuse to receive of any of the banks chartered by authority of this commonwealth, or if any of said banks shall obey any recommendation issued by any department of the general government in reference to those subjects; then the charter or charters of said bank or banks shall become *ipso facto* void, and be repealed; and shall be so declared by the supreme court upon *sieri facias*, issued returnable to them—*Provided*, that any issue of fact in relation to such course of forfeiture and repeal shall be tried by jury; and the governor of this commonwealth or the legislature may order such *sieri facias* to issue whenever he or they may deem sufficient cause to exist.

—

The "Delaware Breakwater" appears to answer the great purpose intended, of sheltering vessels in the winter season. We observe there are many arrivals, at Philadelphia, of ships and other vessels from it. It has afforded protection to many from foreign ports.

—

The "National Intelligencer" says—

From *Kentucky*, we learn that a good deal of difficulty had recently existed among our whig friends in that state in reference to their candidate for governor, some urging the support of judge *Clarke* for that office, and others insising on the nomination of lieutenant governor *Morehead*, who has been for some time acting governor of the state. In this state of things, a Van Buren convention was held at Frankfort, the week before last, to nominate an electoral ticket. Perceiving the difference of opinion among the whigs as to their state officers, they determined, contrary to previous design, to nominate candidates of their own for governor; for which offices they selected *M. Flournoy* and *Elisha Hise*, very popular candidates. It became necessary for the whigs, therefore, to unite on one candidate. Mr. *Morehead* magnanimously withdrew his claim as soon as this state of things occurred, and the whig members of the legislature forthwith assembled, and unanimously nominated *James Clark* for governor, and *Charles Wickliffe* for lieutenant governor. This movement leaves no doubt of the success of the entire whig ticket at the elections in this state.

—

The arrival at Annapolis of Mr. *Fox*, the new British minister, has been improved by the citizens of that ancient capital, in a manner worthy of its renown for elegant hospitality. He has been invited to, and accepted a ball which took place on Monday evening last. He arrived in the armed vessel, the Wanderer, from Rio Janeiro.

—

A petition of the citizens of Louisville was, on the 20th of February, presented to the legislature of Kentucky, relative to a branch of the United States bank recently chartered by Pennsylvania. It was referred to a select committee of twelve by a vote of 60 to 33. Branches will be asked for—by several other states. A circulation is wanted, that will extend to *Canton*, if needed, and bear a *premium!*

—

The speech of the British king, inserted in the present sheet, will be found interesting.

We have accounts from Canton to a late day in November. We do not believe that the report of the destruction of a large part of Pekin, by an earthquake, is true, though it is possible, from the slowness of communications in *China*, which has neither rail roads nor steamboats—and it is said to have been derived from the *Pekin* Gazette. It appears however, that

A very destructive fire broke out in Canton, in China, on the 22d November, about 7 o'clock, the wind blowing directly towards the foreign factories, none of which were burnt, but the goods removed on board of boats. It was reported that about two thousand houses were burnt, with an immense quantity of merchandise, and a great many lives lost. The Europeans took advantage of the disorder from the fire, and entered the walls, some of whom paid for their presumption by getting bamboo'ed. This is the first time that Americans or Europeans could obtain an entrance.

Resolutions have passed the senate of Indiana, directing the delegation in congress from that state to oppose all further appropriations intended for the support of West Point academy; and to advocate the sale of the public buildings, library, and apparatus thereto, for the public benefit! Yeas 15—nays 10.

Fridays and Saturdays, in the house of representatives, are called "Mr. Whittlesey's days"—that is, they are days devoted to *business*. Can a higher compliment be paid to the industrious and indefatigable member from Ohio, who is worth more to the country than all the speech-makers and long-talkers in the house put together! [*Alex. Gaz.*

At Annapolis, in the house of delegates, on the 3d instant—Mr. *Mercer* submitted a series of resolutions in relation to the contemplated movement in the senate of the United States, to expunge from the journal of that body, the resolution declaring "that the president, in the executive proceedings in relation to the public revenue, assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." The resolutions declare that "the expunging from the journal of either house, any part of the proceedings of that body, is a manifest and dangerous violation of the constitution of the United States." And they request our senators and representatives "to use all constitutional means to prevent a measure fraught with such danger to constitutional freedom." They were read the first time and laid the table.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

March 4. Mr. *Porter* presented the credentials of *R. C. Nicholas*, appointed a senator from Louisiana, and the oath was administered, and Mr. *Nicholas* took his seat.

Mr. *Ewing*, of Ohio, offered the following resolution:

Resolved, That the secretary of the treasury be directed to inform the senate what part of the whole expenditure, under the head of the Indian department, from the commencement of the government to the 30th Sept. 1835, as stated in his report to the senate of the 25th of Jannary last, was paid to the Indians for lands purchased of them by the United States. Also that he transmit to the senate a statement of the balance of public moneys in each of the deposite banks on the latest day to which he has received their accounts current.

Mr. *Benton* expressed a wish to amend the resolution by adding to it a call on the secretary of the treasury to report what will be the amount of the balance in the treasury, after the passage of the appropriation bills which are now in progress.

Mr. *Ewing* suggested that such an amendment would have been german to a previous which he had offered, but would not be relevant to this.

Mr. *Benton* said he took blame to himself for not having proposed such an amendment. He would not press his motion now, but take another opportunity to submit it hereafter.

The resolution was then agreed to.

Mr. *Benton* gave notice that he should introduce his expunging resolution in the course of a few days, as soon as the senate should be full.

Mr. *Webster* asked and obtained leave to introduce a bill to allow a drawback of the duties on imported cordage which may be afterwards exported; which was read twice, and referred to the committee on manufactures.

Mr. *Preston* offered the following resolution; which lies one day for consideration:

Resolved, That it is expedient, the states of Maryland and Virginia assenting thereto, to retrocede the District of Columbia to those states, with such reservations as may be necessary for the government.

On motion of Mr. *Buchanan*, it was

Ordered, That when the senate adjourns, it adjourns to meet on Monday.

Several bills were passed.

Mr. *Hendricks* moved to postpone the previous orders, and to take up the bill for the continuation of the Cumberland road. Yeas 18, nays 12.

An amendment being made in the amount of the appropriation, on the motion of Mr. *Clay*—

Mr. *Clay* moved to amend the next section of the bill by inserting the following provision:

"*Provided*, That the expenditure of the appropriation hereinafter made for the state of Illinois be limited to the graduating and bridging the road therein, and shall not be construed to pledge congress to future appropriations for the purpose of Macadamizing the same."

After a few words from Mr. *Clay* and Mr. *Robinson*, the question was taken by yeas and nays, and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Goldsborough, Hill, Kent, King, of Ala. King, of Ga. Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Niles, Porter, Prentiss, Preston, Robbins, Shepley, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White—30.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Illinois, Ewing, of Ohio, Grundy, Hendricks, Hubbard, Linn, Morris, Robinson, Tipton, Wright—14.

So the amendment was agreed to.

On motion of Mr. *Naudain*, the appropriations in Ohio and Indiana were restricted to the entire completion of the road as far as it could be done, so that such parts might be surrendered to the state.

Mr. *Crittenden* moved to strike out that portion of the bill which designates these appropriations as to be derived from a fund supposed to be created by the compact between the United States and three north western states.

Before the question was taken on this amendment, the senate adjourned.

March 7. Mr. *Clay* offered the following resolution; which was agreed to:

Resolved, That the secretary of the treasury be directed to communicate to the senate the total amount expended in constructing and repairing the Cumberland road, (including bridging), and distinguishing the sums expended east of Wheeling, and in the three states of Ohio, Indiana and Illinois; and that he also communicate to the senate the total amount of the two per cent. which, by the compacts with the states of Ohio, Indiana, Illinois and Missouri, respectively, was received out of the net proceeds of the sales of the public lands for making roads or canals leading to these several states, distinguishing between the amounts of that fund which have accrued in each of these states.

Mr. *Kent* offered the following resolution; which lies one day for consideration:

Resolved, That the judiciary committee inquire into the propriety of giving to the District of Columbia a delegate on the floor of the house of representatives; and thereby place them on an equal footing with the other territories of the United States.

Mr. *Ewing* moved that the senate proceed to the consideration of the bill to appropriate for a limited time the proceeds of the public lands, &c. which motion was rejected—yeas 18, nays 22.

The senate proceeded to consider the petition of the society of Friends of Philadelphia, praying for the abolition of slavery in the District of Columbia.

The question being on the motion of Mr. *Calhoun* that the petition be not received,

The debate thereon, and some time expended in executive business, occupied the remainder of the day.

March 8. Mr. *Clay* presented the memorial of a committee of management on the subject of a marine hospital in Louisville.

Mr. *Clay*, on presenting this memorial, gave a brief description of the class of citizens concerned in the navigation of the western waters, and of the great proportion which they bear to the seamen of the United States; and urged the necessity of making some provision for their comfort in the hour of sickness and destitution. He moved that the petition be laid on the table, and printed.

Mr. *Davis* informed the senate, that this subject was before the committee on commerce—and he went into a variety of illustrations of the condition of the marine hospitals; among which he presented the following table, shewing the amount of the tax collected of seamen employed on board of registered, enrolled and licensed vessels, for such hospitals, from 1802 to 1833, inclusive—

States.	*Contributions.*	*Expenditures.*
Maine,	$105,810 92	$45,556 71
New Hampshire,	17,415 29	12,388 58
Massachusetts,	387,949 90	285,584 95
Vermont,	223 98	68 16
Rhode Island,	61,433 16	55,295 70
Connecticut,	58,321 96	35,116 37
New York,	267,795 12	280,931 13
Pennsylvania,	152,293 14	266,307 41
New Jersey,	50,524 38	3,704 02
Delaware,	20,792 98	65 20
Maryland,	138,518 98	306,624 91
District of Columbia,	23,319 55	17,315 72

Virginia,	85,466 90	176,434 94
North Carolina,	51,042 09	57,232 51
South Carolina,	44,824 64	80,716 11
Georgia,	18,527 71	66,871 24
Florida,	4,998 70	7,918 92
Alabama,	9,094 91	11,506 19
Louisiana,	61,885 04	143,477 49
Mississippi,	2,316 03	133 69
Ohio,	1,452 61	978 65
Michigan,	225 43	149 69
Tennessee,	278 41	
	$1,664,512 83	$1,954,378 29

Instead, therefore, (said Mr. D.) of $12,000, as the petitioners represent, the whole amount contributed above New Orleans, which he considered an Atlantic port, was less than $4.000. How the craft of these waters escaped was not very apparent to his mind, nor had he been able to learn to his satisfaction the cause.

The motion to print was agreed to.

The subject of the petition of the Friends of Philadelphia, praying for the abolition of slavery in the District of Columbia, was resumed—the question being on the motion of Mr. *Calhoun*, that the petition be not received.

The debate was continued by Messrs. *Grundy*, *Morris*, *Kent* and *Ewing*; and, on motion of Mr. *Calhoun*,

The senate adjourned.

March 9. The resolution offered by Mr. *Kent*, referring to the judiciary committee to consider the expediency of allowing the District of Columbia a delegate on the floor of the house of representatives, was considered and agreed to.

After other business—

The senate proceeded to consider the petition of the society of Friends in Philadelphia, on the subject of the abolition of slavery in the District of Columbia.

The question being on the motion "that the petition be not received"—

Mr. *Calhoun* addressed the senate in reply to what had fallen from other senators on the subject.

Mr. *Clay* made a few remarks in explanation, called for by some part of the remarks of the senator from South Carolina.

The question was then taken on the motion of Mr. *Calhoun*, "Shall the petition be received?" and decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing, of Ill. Ewing, of Ohio, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King, of Alabama, King, of Georgia, Knight, Linn, McKean, Morris, Naudain, Niles, Prentiss, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—36.

NAYS—Messrs. Black, Calhoun, Cuthbert, Leigh, Moore, Nicholas, Preston, Porter, Walker, White—10.

The question being next on the motion of Mr. *Buchanan*, to reject the prayer of the petition;

Mr. *Clay* made some remarks on the motion, and concluded by moving to amend it by adding to it—

For the senate, without now affirming or denying the constitutional power of congress to grant the prayer of the petition, believes, even supposing the power uncontested, which it is not, that the exercise of it would be inexpedient.

1st. Because the people of the District of Columbia have not themselves petitioned for the abolition of slavery within the District.

2d. Because the states of Virginia and Maryland would be injuriously affected by such a measure, whilst the institution of slavery continues to subsist within their respective jurisdictions, and neither of these states would probably have ceded to the United States the territory now forming the District if it had anticipated the adoption of any such measure without clearly and expressly guarding against it. And,

3d. Because the injury which would be inflicted by exciting alarm and apprehension in the states tolerating slavery, and by disturbing the harmony between them and the other members of the confederacy, would far exceed any practical benefit which could possibly flow from the abolition of slavery within the District.

Mr. *Porter* wished more time to reflect, and moved to lay the motion on the table, but withdrew it at the instance of Mr. *Buchanan*.

Mr. *Buchanan* then addressed the senate in defence of his motion, as it originally stood.

Mr. *Preston* said there may be other reasons; he had some which were stronger than those assigned, and he should vote against these, which contained a negative pregnant, looking to a state of things when congress could act on the subject.

Mr. *Porter* said one of his reasons for wishing to lay on the table the amendments was, that he might examine them, and ascertain if such reasons as would be satisfactory to him, so as to command his vote, could be assigned. He renewed his motion, and again withdrew it; when

Mr. *Clay* stated that he had no objection to let the amendment lie for further examination.

After a few words from Mr. *Cuthbert*,

On motion of Mr. *Morris*, the senate adjourned.

March 10. A message was received from the president of the United States, transmitting the proceedings of a convention held at Little Rock, in the territory of Arkansas, to form a constitution and state government for that territory.

Mr. *Buchanan* moved to refer the message to a select committee.

Mr. *Clayton* moved to refer it to the select committee raised on the Michigan application.

Mr. *Buchanan's* motion prevailed by yeas and nays, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hendricks, Hill, Hubbard, King, of Geo. Linn, McKean, Morris, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Wall, White—22.

NAYS—Messrs. Black, Calhoun, Clay, Clayton, Davis, Ewing, of Ohio, Goldsborough, Knight, Leigh, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson—17.

Several bills were reported, &c.

The abolition subject, with the pending resolution of Mr. *Clay*, was on the motion of Mr. *Leigh*, was laid upon the table, by the following vote,

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Cuthbert, (in hope of avoiding the question), Davis, Ewing, of Ohio, Goldsborough, King, of Alab. Knight, Leigh, McKean, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, White—24.

NAYS—Messrs. Benton, Brown, Buchanan, Ewing, of Ill. Grundy, Hendricks, Hill, Hubbard, King, of Georgia, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, Wright—20.

On motion of Mr. *Ewing*, of Ohio, the preceding orders were then postponed, and the senate proceeded to consider the bill to establish the northern boundary of Ohio.

The bill being under consideration, as in committee of the whole,

Mr. *Morris* moved to amend the bill so as to conform to the views he had embodied in his joint resolution on the subject.

Some discussion took place, in which Messrs. *Morris*, *Clayton* and *Ewing* briefly participated.

Mr. *Morris* asked for the yeas and nays on his amendment which were ordered, and taken; and his amendment was rejected.

The question being on the engrossment of the bill, on which the yeas and nays were ordered, the decision was as follows:

YEAS—Messrs. Benton, Black, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Grundy, Hendricks, Hill, Hubbard, King, of Ala. King, of Georgia, Knight, Leigh, Linn, McKean, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Robinson, Southard, Tallmadge, Tipton, Tomlinson, Walker, Wall, White 36.

NAYS—Messrs. Niles, Ruggles, Shepley—3.

So the bill was ordered to be engrossed for a third reading, in the following form:

A *bill* to settle and establish the northern boundary line of the state of Ohio.

Be it enacted, &c. That the northern boundary of the state of Ohio shall be established by, and extend to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami bay; thence, north east, to the northern boundary line of the United States; thence, with said line, to the Pennsylvania line.

Sec. 2. *And be it further enacted*, That the boundary line surveyed, marked, and designated agreeably to "an act to authorise the president of the United States to ascertain and designate the northern boundary of the state of Indiana," approved March the second, eighteen hundred and twenty-seven, shall be deemed and taken as the east and west line mentioned in the constitution of the state of Indiana, drawn through a point ten miles north of the southern extreme of Lake Michigan, and shall be and forever remain the northern boundary of said state.

Sec. 3. *And be it further enacted*, That the northern boundary line ascertained, surveyed, and marked, agreeably to a law of congress entitled "an act to ascertain and mark the line between the state of Alabama and the territory of Florida, and the northern boundary of the state of Illinois, and for other purposes," approved March second, eighteen hundred and thirty-one, shall be deemed and taken as the line west from the middle of Lake Michigan, in north latitude forty-two degrees thirty minutes, to the middle of the Mississippi river, as defined in the act of congress entitled "an act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states," approved eighteenth of April, eighteen hundred and eighteen, and shall be and forever remain the northern boundary line of said state.

The senate then adjourned.

HOUSE OF REPRESENTATIVES.

Friday, March 4. The house resumed the consideration of the motion of Mr. *Patton* to suspend the rules in order to enable him to submit a motion to withdraw the letter of the governor of Virginia, presented by him, enclosing certain resolutions of the assembly of Virginia, on the subject of the abolition of slavery in the District of Columbia.

After remarks from several members—

The question being taken on the motion to suspend the rules, it was decided in the negative—yeas 89, nays 96.

Mr. *Spangler* moved that the vote of the house rejecting the motion of the gentleman from North Carolina, (Mr. *Bynum*), to permit the petitioner, in the case of the North Carolina con-

tested election, to be heard, by counsel, on the main question, be reconsidered. [This motion lies over.]

Other business being attended to, and petitions presented, &c.

Mr. *Robertson* asked the consent of the house to submit the following resolution; which was read:

Resolved, That the committee for the District of Columbia be instructed to inquire into the expediency of ceding the said District back to the states of Virginia and Maryland respectively, and to report specially—

1st. The prominent objections (if any) to the validity of such cession.

2d. The advantages or disadvantages likely to result from this measure (if adopted) to the said states, to the District itself, and its inhabitants, or to the United States.

3d. The reservations and provisions that should accompany such cession, with a view to the permanent continuance of the seat of government in the said District, the entire protection and preservation of the property of the United States therein, and the attainment of such other objects as the committee may deem necessary and proper, to guard the rights and interests of all; and that the said committee have power to send for persons and papers.

Objections being made, Mr. *Robertson* moved the suspension of the rules, in order to enable him to offer the resolution.

Mr. *Garland*, of Louisiana, called for the yeas and nays on this motion, and they were ordered.

Mr. *Bouldin*, remarking that this was an important subject, and that the house was thin, moved a call of the house; which was ordered.

After some time, on motion of Mr. *Vanderpoel*, the call was suspended.

The question being taken, it was decided in the negative yeas 71, nays 114.

So the house refused to suspend the rules for the purpose indicated.

Mr. *Slade* presented memorials praying for the abolition of slavery and the slave trade in the District of Columbia, from 487 females and 19 male citizens of the state of Vermont, from 548 females and 274 male citizens of Dover, in the state of New Hampshire, and from 66 females and 54 male citizens of Derry, in the same state; which were referred to the committee appointed under the resolution offered by Mr. *Pinckney*, of South Carolina.

Many resolutions of inquiry were proposed this day.

Saturday, March 5. After some conversation, the resolution on the subject was modified, and was adopted in the following form:

Resolved, That 5,000 copies of the report and bill in relation to the northern boundary of Ohio, be printed for the use of the members of this house.

The house resumed the consideration of the report of the committee on elections on the North Carolina contested election. The question being on the motion of Mr. *Hard*, to allow the petitioner, David Newland, a place within the bar of the house; and permit him to address the house in his own behalf; which motion Mr. *Bynum* had moved so to amend as to permit the petitioner to be heard by counsel on the main question.

After debate—

Mr. *Whittlesey* here called for the orders of the day.

And the remainder of the day was expended in private business.

Monday, March 7. Mr. *Hannegan* remarked that he had seen with regret a settled determination, on the part of the majority of the house, to resist any attempt to expose the abuses of the military academy at West Point. He warned the house that they could not smother the truth, and that, one way or another, the facts should be made known.

[Here Mr. H. was loudly called to order both by the chair and many members of the house.]

Mr. *Hannegan* moved that the rules be suspended, in order to offer the following resolution:

Resolved, That the report of the select committee appointed during the last congress, to investigate the affairs of the West Point military academy, be withdrawn from the files, and that ten thousand copies thereof be printed.

Mr. *Hannegan* expressed the hope that the house would indulge him with the yeas and nays on the question, and they were ordered.

Mr. *Vanderpoel* asked whether it was in order to show that the report alluded to in the resolution was not the report of the majority of the committee.

The *chair* replied that no discussion of the subject could be tolerated.

The question being taken, it was determined in the negative: yeas 112, nays 82.

The house resumed the consideration of the report of the committee of elections on the North Carolina contested election. The question being on the motion of Mr. *Hard*, as amended at the suggestion of Mr. *Mann*, of New York, to allow the petitioner, David Newland, a seat within the bar of the house, and also to permit him to be heard in his own behalf; which motion Mr. *Bynum* had moved to amend by adding that the petitioner have leave to be heard by counsel.

The discussion of this motion to amend was continued.

After some time Mr. *Whittlesey* called for the orders of the day.

Mr. *Boyd* moved to suspend the rules in order to continue the discussion of this report.

Mr. *Bynum* rose to a point of order, and contended that, according to the rule, which he read, it required but a bare majority of the house to suspend private orders.

The *chair* decided that it would require a vote of two-thirds.

The question being taken on the motion of Mr. *Boyd*, it was decided in the negative, 87 to 83, not two-thirds.

Mr. *Bynum* appealed from the decision of the chair on the point of order above stated.

Many gentleman having spoken,

Mr. *Hamer* moved the previous question.

The *chair* stated the question, and briefly supported his views in regard to it.

The motion for the previous question was seconded, and the main question was ordered to be put.

The question being then taken, "shall the decision of the speaker stand as the judgment of the house?" it was decided in the affirmative: yeas 132, nays 61.

The *chair* announced the order of the day, which was private bills; and a large number were passed.

The engrossed bill to carry into effect the convention with Spain was read a third time, and *passed*.

Several bills from the senate were read a first and second time, and referred.

The *chair* presented a letter from the secretary of the treasury, transmitting statements and notes relative to the cultivation and manufacture of cotton, and the exports and imports thereof, in conformity with a resolution of the house of the 12th ultimo.

On motion of Mr. *Judson*, the document was referred to the committee on manufactures, and ordered to be printed.

Adjourned.

Tuesday, March 8. Mr. *Dixon H. Lewis*, a member of the house of representatives, from the state of Alabama, appeared, was qualified, and took his seat.

Mr. *Jarvis* stated that the ship of war Columbia would be launched, at the navy yard, to-morrow morning; and, as many members had never witnessed such an exhibition, but were desirous of so doing, he moved to suspend the rules, in order to submit the following resolution; which was read:

Resolved, That when this house adjourns, it adjourn to meet to-morrow at 2 o'clock.

The resolution being so amended as to adjourn for the day —was passed. A call for the yeas and nays on the amendment was refused.

Mr. *Hannegan* moved to suspend the rules for the purpose of offering the following resolution; which was read.

Resolved, That the report of the select committee appointed during the last congress, to investigate the affairs of the West Point military academy, be withdrawn from the files, and that ten thousand copies thereof be printed.

Mr. H. asked the yeas and nays on the question, but remarked that he did not expect any of those gentlemen to vote for the motion, who had brothers, sons and kinsmen at this institution.

The yeas and nays were refused.

The motion to suspend the rules was then rejected.

The motion of Mr. *Spangler* to reconsider the vote rejecting the proposition of the gentleman from North Carolina (Mr. *Bynum*), to allow the petitioner, in the case of the North Carolina contested election, to appear, by counsel, before the house—on the main question,

Mr. *Spangler* briefly supported the motion, and Mr. *Grennell* opposed it.

Before Mr. *Grennell* had concluded his remarks,

The *chair* announced the expiration of the hour assigned for the consideration of morning business.

Mr. *Lawrence* rose, and remarked that it was now between two and three months since a bill had been reported to this house for the relief of the sufferers by the late conflagration in the city of New York, and it was hoped by the friends of the bill that it would have passed long ago. The time had now arrived, and he had remarked the other day, that those who had suffered from that calamity should know what they had to depend upon from this house; and now, throwing himself upon the indulgence of the house in behalf of those sufferers, he asked them to sustain him in the motion he was about to make, with a view to take up that bill, and, as he hoped, finally to dispose of it this day. He felt confident that the friends of the bill were prepared to vote upon it, without any further discussion. Mr. L. then moved to suspend the rules, in order to take up the New York relief bill.

Mr. *Cambreleng* would barely remark, he said, that the public interest was as deeply concerned in the subject of this bill as in that of the special order, and he hoped that the motion would prevail.

After a great variety of propositions, in which Mr. *Cambreleng*, in reply to a question by Mr. *Parks*, "whether it was intended by that committee to bring forward, after the passage of this bill, any further measures of relief?"—said, it had been his (Mr. C's) impression all along that it was proper to remit the duties on all the goods destroyed in entire packages, and, should the committee instruct him to report such a bill, he would do it with great pleasure; but he felt persuaded, from the first decisions of the house, and from other circumstances, that the measure would not be sustained, however much he might himself be in favor of it; the bill was put upon its passage, by the *previous question*, and decided as follows:

YEAS—Messrs. Adams, H. Allen, Anthony, Ash, Bailey, Banks, Barton, Beardsley, Bockee, Briggs, Brown, William B. Calhoun, Cambreleng, Chapin, Childs, Cleveland, Coffee, Corwin, Cramer, Crane, Cushing, Darlington, Dickerson, Doubleday, Evans, Fairfield, Farlin, Philo C. Fuller, William K. Fuller, Rice Garland, Gillet, Glascock, Granger, Grantland, Grennell, Haley, Hard, Harper, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, James, Jarvis, R. M. Johnson, Cave Johnson, Henry Johnson, Judson, Kennon, Kilgore, Lane, Lansing, Lawrence, Lay, G. Lee, J. Lee, Thomas Lee, Leonard, Lincoln, Love, Loyall, Lyon, Abijah Mann, Manning, William Mason, M. Mason, Sampson Mason, McKennan, McKeon, McKim, Mercer, Miller, Milligan, Moore, Muhlenberg, Owens, Page, Parker, Patterson, Phelps, Phillips, Potts, Reed, J. Reynolds, Rogers, Russell, Shinn, Sickles, Slade, Smith, Spangler, Steele, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Ward, Wardwell—114.

NAYS—Messrs. Chilton Allan, Ashley, Beale, Bean, Beaumont, Bell, Bond, Boon, Borden, Bouldin, Boyd, Bunch, John Calhoon, Campbell, Carr, Carter, Cascy, George Chambers, J. Chambers, Chapman, Claiborne, Coles, Conner, Craig, Cushman, Davis, Deberry, Denny, Dickson, Dromgoole, Dunlap, Everett, Forester, French, Fry, Galbraith, James Garland, Graham, Graves, Grayson, Griffin, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Hopkins, Jenifer, Joseph Johnson, J. W. Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Lewis, Logan, Job Mann, Martin, John Y. Mason, Maury, McCarty, McConnas, McKay, McLene, Montgomery, Morgan, Morris, Parks, Patton, F. Pierce, Dutee J. Pearce, Peyton, Pickens, Rencher, John Reynolds, Roane, Robertson, Aug. H. Shepperd, Shields, Standefer, Thomas, Turner, Underwood, Webster, Weeks, White, Whittlesey, L. Williams, Sherrod Williams, Wise—94.

So the bill was *passed*.

The title of the having been read, and the question being whether this should be the title,

Mr. *Pearce*, of Rhode Island, said it was universally conceded that the present title of the bill did not express its true character, and he moved to amend it by substituting the following:

"An act to relieve and confer exclusive benefits on certain merchants and importers in the city of New York."

Mr. *Wise* asked if this question was debateable.

The *chair* replied that it was.

Mr. *Wise* moved that the house do now adjourn. Lost.

The motion to amend the title was rejected, and the title, as it stood, was agreed to.

On motion, the house adjourned.

The house did not sit on Wednesday.

On Monday, Mr. *Turner* presented the memorial of a large and respectable portion of the citizens of Harford county, Maryland, praying that an appropriation may be made for removing obstructions at or near the head of the bay below the port of Havre de Grace, and causing the channel to be deepened. Mr. T. said: Mr. Speaker, the substance of this memorial is of such a character that it speaks for itself; but I cannot forbear saying that the magnitude and importance of its object are such as redound to the credit of the memorialists. The enterprise is one which, if carried into effect, will do much to promote the interest, not only of the citizens of Havre de Grace and its vicinity, but of the citizens of the great states of Pennsylvania and New York, by creating *an export market* immediately at the mouth of this magnificent river, where all the great mass of produce that descends the Susquehannah for hundreds of miles from the interior of a rich and fertile country abounding in wealth, must concentrate, and ultimately make the town of Havre de Grace what it ought to have been years ago. I therefore move that the memorial be referred, without reading, to the committee on commerce, under a full assurance that they will give it that due consideration that its importance demands.

Thursday, March 10. The North Carolina contested election occupied the house, until the orders of the day were called for —when many preparatory matters were attended to, though nothing decidedly acted upon.

LATER FROM ENGLAND.

New York, March 8. Yesterday, says the Courier, our news schooner boarded at sea, the Liverpool packet ship North America, captain Dixey, which sailed on the 5th ultimo. We received the newspapers brought by her at an early hour this morning. They are from London of the 4th, and Liverpool of the 5th. About six hours later than those brought by the previous arrival.

The speech of the king of England, on opening the present session of parliament will be found below. It is most important as it regards the measures of internal policy to which it alludes; these are of deep interest, involving vast results, and will no doubt produce a sharp and obstinate collision between the two great bodies into which the house of commons is so nearly divided.

The Spanish cortes has been unexpectedly dissolved by the queen. It appears the new minister, Mendizabal, finding himself in a minority on an important question, determined on taking the sense of the nation, by recurring to a new election.

London, Thursday evening, Feb. 4. His majesty this day opened the session of parliament with the usual formalities.—He went in state from St. James' Place, preceded and followed by the whole of his household retinue, in a carriage drawn by eight horses, richly caparisoned, with superb new harness—the postilions and footmen in attendance being also dressed in new state liveries.

His majesty's departure from the palace, and arrival at the house of peers, was announced by the firing of cannon.

Though the day was far from favorable, the crowds of people to view the procession were very great, and along the whole line of road which his majesty passed, he was received with loud cheers.

His majesty, we are happy to state, appeared to be in the possession of excellent health.

On his majesty's arrival at the house of peers, he was conducted to the throne with the usual ceremonies, and in a firm and distinct voice delivered the following most gracious speech:

"*My lords and gentlemen:*

"It is with great satisfaction that I again meet the great council of the nation assembled in parliament. I am ever anxious to avail myself of your advice and assistance, and I rejoice that the present state of public affairs both at home and abroad, is such as to permit you to proceed, without delay or interruption, to the calm examination of those measures which will be submitted to your consideration.

"I continue to receive from my allies, and generally from all foreign powers, assurances of their unaltered desire to cultivate with me those friendly relations which it is equally my wish to maintain with them; and the intimate union which happily subsists between this country and France, is a pledge to Europe for the continuance of the general peace.

"Desirous on all occasions to use my friendly endeavors to remove causes of disagreement between others, I have offered my mediation in order to compose the difference which has arisen between Fance and the United States. This offer has been accepted by the king of the French. The answer of the president of the United States has not yet been received; but I entertain a confident hope that a misunderstanding between two nations so enlightened and high minded, will be settled in a manner satisfactory to the feelings, and consistent with the honor of both.

"I have still to lament the continuance of the civil contest in the northern provinces of Spain. The measures which I have taken, and the engagement into which I have entered, sufficiently prove my deep anxiety for its termination; and the prudent and vigorous conduct of the present government of Spain inspires me with the hope that the authority of the queen will soon be established in every part of her dominions, and that the Spanish nation, so long connected by friendship with Great Britain, will again enjoy the blessing of internal tranquillity and union.

"I have given directions that there be laid before you the treaty which I have concluded with the queen of Spain for the suppression of the slave trade.

"*Gentlemen of the house of commons:*

"I have directed the estimates of the year to be prepared, and laid before you without delay. They have been framed with the strictest regard to well-considered economy.

"The necessity for maintaining the maritime strength of the country, and of giving adequate protection to the extended commerce of my subjects, has occasioned some increase in the estimates for the naval branch of the public service.

"The state of the commerce and manufactures of the United Kingdom is highly satisfactory. I lament that any class of my subjects should still suffer distress; and the difficulties which continue to be felt in important branches of agriculture may deserve your inquiry, with the view of ascertaining whether there are any measures which parliament can advantageously adopt for the alleviation of this pressure.

"*My lords and gentlemen:*

"I have not yet received the further report of the commission appointed to consider the state of the several dioceses of England and Wales; but I have reason to believe that their recommendations upon most of the important subjects submitted to them are nearly prepared. They shall be laid before you without delay; and you will direct your early attention to the ecclesiastical establishment, with the intention of rendering it more efficient for the holy purposes for which it has been instituted.

"Another subject, which will naturally occupy you, is the state of the tithe in England and Wales, and a measure will be submitted to you having for its end the rendering this mode of providing for the clergy more fixed and certain, and calculated to relieve it from that fluctuation, and from those objections to which it has hitherto been subject.

"The principles of toleration by which I have been invariably guided, must render me desirous of removing any cause of offence or trouble to the consciences of any portion of my subjects, and I am, therefore, anxious that you should consider whether measures may not be framed, which, while they remedy any grievances which affect those who dissent from the doctrine or discipline of the established church, will also be of general advantage to the whole body of the community.

"The speedy and satisfactory administration of justice is the first and most sacred duty of a sovereign; and I earnestly recommend you to consider whether better provisions may not be made for this great purpose in some of the departments of the law, and more particularly in the court of chancery.

"I trust that you will be able to effect a just settlement of the question of tithe in Ireland, upon such principles as will tend at length to establish harmony and peace in that country.

"You are already in possession of the report of the commission appointed to inquire into the state of the municipal corporations in Ireland, and I entertain the hope that it will be in your power to apply to any defects and evils which may have been shown to exist in those institutions, a remedy founded upon the same principles as those of the acts which have been already passed for England and Scotland.

"A further report of the commission of inquiry into the condition of the poorer classes of my subjects in Ireland will speedily be laid before you. You will approach this subject with the caution due to its importance and difficulty, and the experience of the salutary effect of the act for the amendment of the laws relating to the poor in England and Wales, may in many respects assist your deliberations.

"I rely upon your prudence and wisdom, and upon your determination to maintain, as well as to amend, the laws and institutions of the country; and I commit these questions of domestic policy, to which I have deemed it my duty to direct your attention, into your hands, persuaded that you will so treat them as to increase the happiness and prosperity, by promoting the religion and morality, of my people."

BANK OF THE UNITED STATES.

Bank of the United States, February 20, 1836.

The stockholders met at 12 o'clock M. pursuant to adjournment.

Benj. W. Crowninshield, esq. of Massachusetts, was called to the chair,

Thos. P. Cope, John A. Brown, secretaries.

Nicholas Biddle, esq. the president of the bank, presented to the meeting a certified copy of "an act to repeal the state tax on personal property, and to continue and extend the improvements of the state by rail roads and canals, and to charter a state bank, to be called the United States bank." The president read so much of the said act as relates to the bank, commented upon its various provisions, and recommended it to the acceptance of the stockholders.

Resolutions for accepting the charter were then offered by *John Sergeant*, esq. and unanimously adopted, after which,

The following resolutions were offered by *Henry Nixon*, esq. and were adopted unanimously:

Whereas, The stockholders of the bank of the United States, convened in general meeting, deem it their duty, before the expiration of the charter granted by congress, to express some of the sentiments with which they are animated in regard to the past administration of the bank, and to the officers by whom it has been conducted: be it therefore

Resolved, That the said stockholders have approved, and do approve, of the administration of the said bank during the last seven years; and that they select this period for their especial approbation, because for nearly the whole of that term the institution has been exposed to both persecution and obloquy, which the public investigation of its transactions, and their undeniable benefit to the nation, have enabled them to know, and entitle them to say were unmerited and unjust.

Resolved, That the said stockholders regard it as their particular duty to make a public expression of their thanks to *Nicholas Biddle*, the president of the said bank, for the fidelity with which he has executed his trust, and of their admiration for the talents and comprehensive intelligence with which he has arranged and superintended all the parts of this extended institution, to the signal and lasting advantage of the country, and to the establishment of his own reputation.

Resolved, That the thanks of the stockholders be also given to the different boards of directors for the zeal and ability with which they have discharged their respective duties, and for the manner, both faithful and fearless, in which they have united with the president of the said bank in resisting every effort, whether of power or of popular clamor, to deter them from administering the affairs of the bank according to the principles of the charter, in execution of the rights of the stockholders, and for the advancement of the public good.

Resolved, That the thanks of the stockholders be also given to the cashiers and other officers of the institution for their various services, equally intelligent and faithful, in the performance of their respective duties: and that it be recommended to the president and directors to offer to them such testimonial of regard as they may deem proper, and to promote their employment and advancement in such other stations as they may find it expedient to seek, after their connexion with the present bank shall cease.

Benj. W. Crowninshield, esq. submitted the following resolution, which was seconded by *John Sergeant*, esq. and adopted unanimously:

Resolved, That the directors be requested to cause to be prepared, and presented to *Nicholas Biddle*, esquire, a splendid service of plate, with suitable inscriptions, in token and commemoration of the gratitude of the stockholders for his faithful, zealous and fearless devotion to their interests.

Mr. *Sergeant*, having risen to answer a suggestion made by a stockholder, said that, being up, if the meeting would indulge him, he would proceed to say a few words upon the immediate question before them. His first intention, he remarked was to remain entirely silent. He was upon a footing of friendship with the president, and had long been so: and it was a natural impulse of feeling, to consider a tribute to an intimate friend as a thing for which one was to be thankful, participating as it were, on his behalf, in the acceptance, rather than even *seeming* to promote it, however merited it might be. Reflection had convinced him that there were occasions upon which a different course ought to be pursued, and that this was one of them. I stand here, he said, not to eulogize any one, nor to contend with any one. I stand here as a witness to testify to what I know. And why should the testimony be withheld? He had frequently, he said, been a director of the bank; he had had professional relations with the bank, and he had had at all times the freest and most confidential intercourse with the president. These were his means of knowledge; and why should the opportunities they afforded, because they had fixed in him a settled respect and regard for the president, founded in the most assured sense of his merits and services, debar him from bearing that testimony which these very opportunities had peculiarly enabled him to give? On the contrary, he thought it due to the great cause of public morals, to common justice between man and man, to the vindication, at length, of the truth, that those who knew should stand up and testify to what they did know. Under the influence of such considerations, he had determined to suppress all personal feelings that might restrain him, and bear that testimony which he conscientiously believed to be just.

This (he said further) was perhaps the last meeting there would ever be of the stockholders of the bank of the U. States, incorporated under the authority of the government of the U. States. The struggle was over. The strife was at an end. We have nothing more to hope; and, thanks to the legislature of Pennsylvania, actuated by a true Pennsylvania spirit, we have nothing to fear. The bank, incorporated by congress, was at the close of its existence; not in the agony of dissolution, it was true, but quietly, and by an easy process, transferring its capacities and its means to the legal being created by the legislature of the state, under whose powerful protection they would continue to be applied to the benefit of the public. But, still, the bank incorporated by congress touched the end of its existence. It was no longer subject to accident or change. Its history was finished.

The materials for judgment upon it were complete, as when death closes the life of an individual. At this moment, then, he would venture to say, without the least hesitation or doubt, that no man will ever have cause to be ashamed of having been a friend to the bank.

In the early part of its career there may have been errors—errors unavoidably incident, perhaps, to the stage of its existence, and to the objects it was expected to accomplish. Whatever they were, they were injurious only to the stockholders. The people of the United States experienced the full benefits which had been promised, and even in greater measure than any reasonable man could have expected.

During a short period afterwards, the measures deemed necessary to correct those errors fell with distressing weight upon the stockholders, a part of the time yielding them no income at all, and the rest a very reduced one.

It was at this time, and under these circumstances, that the present president had been placed at the head of the institution, where he had continued for the last thirteen years. Of the ability and success with which its affairs had been administered during all that time, the stockholders were fully aware. They had received the most substantial proofs. He need not dwell upon these things. The statement they had just heard was of itself conclusive. There were persons who were, perhaps, unable—there were some, he was afraid, who were not willing—fully and fairly to appreciate the extraordinary skill and talent with which the patriotic care of the common concerns, especially the concerns of the great mercantile portion of the United States, had been invariably reconciled with the interests of the stockholders. And yet it was true that both had been cherished and promoted. When danger threatened; when credit was trembling; when confidence was shaken; whenever, in a word, a revulsion was threatened, with its disastrous train of consequences, this bank, strong in its power, stronger in its inclination to do good, anticipated and averted the crisis. By judicious liberality, it prevented or relieved the pressure, it encouraged by its example and support, it cheered by its countenance.

Whatever may be the merits of a board of directors, every one knows that the chief part of the labor and responsibility is with the permanent officer who is the head of the institution. To him, attaches the censure, where censure is imputed. To him of right, is justly due the praise, where zeal, industry, ability and untiring devotion are manifest in their fruits.

There are points of character in that officer, which, if it were not to be almost too personal, deserve also to be noticed, as qualifications which have aided him in the performance of his duties, always arduous, at times extremely trying. I have seen him (said Mr. S.) within the last seven years, under provocations sufficiently exciting—too much, almost, one would have thought, to be borne with composure. I have seen him assailed with menaces, enough to cause alarm and despondency. *But I never saw him irritated, and I never saw him dismayed.* When those who were about him yielded to indignant feeling, he calmed and tranquilized them by his cheerful good humor. When they were almost ready to despair, he animated and assured them by his undaunted firmness. However the storm might rage without, there was peace and order within the institution. The ordinary business went on with calm regularity. I am not able to recall to my recollection, nor do I believe there exists a single instance, in

which the smallest detail was neglected in consequence of the engrossing demands of the war which was waged against the bank.

Let it be further said, in justice to the administration of this great institution, that its measures never were aggressive. Assailed as it was by principalities and powers, it stood upon its defence, as it rightfully might do, vigorously and fearlessly, but never exceeding the limits of a just and necessary defence. If it has offended, it was because it resisted unlawful aggression, and would not tamely surrender its right or its independence at the bidding of any man, however powerful.

The unvarying courtesy and kindness of the president, in the business of the bank, as well as in his social intercourse, did not fail to win regard for the institution as well as for himself. He held many attached even when their party affinities would have inclined them to an opposite direction, and they did not separate themselves until dragged away in spite of themselves by the irresistible attraction of party gravitation. An enemy to the bank he never made. Enemies, indeed, he has none, that I know of, but such as have become so because he would not betray or surrender the trusts confided to him by the stockholders.

It is fit and just now, in this final meeting, when those whose interests have been resolutely protected at the risk of his own peace, and not without hazard to his reputation, are to review his conduct, that there should be a clear judgment, and an expressive and enduring record of it. As already intimated, this is due to the cause of public morals, and to justice between man and man. Hereafter, if search should be made among the rubbish of the years that are past, some things may be found in the wanton license of the press, which, unexplained, or falling into the hands of persons unacquainted with the times, might lead to the belief that this was indeed a strange sort of a bank, and the president of it a very strange sort of man. The record of this day's proceedings will be their triumphant contradiction, and the memorial of it, proposed to be presented to the president, will be to him and to his descendants a grateful trophy of a victory won at last by integrity and truth over unmerited and unmeasured calumny.

In submitting the charter to the meeting, Mr. *Biddle* explained in detail its provisions, comparing them with the corresponding parts of the existing charter. We understood him to say that the new charter had the advantage over the old one:

1st. In its longer duration—thirty years—while the present charter was for only twenty years, and the charter granted by congress, and vetoed by the president, was for only fifteen years.

2d. In the enlargement of its powers, especially its authority to deal in stocks of the United States or of Pennsylvania, and in all the improvement stocks of the state.

3d. In confining the rate of discount at half per cent. for thirty days to loans in the state of Pennsylvania, leaving the bank elsewhere to the rate of interest fixed by the local laws.

4th. In its exemption from the expense of doing the business of the government, in loan offices and pension agencies, and in transferring the public funds without charge.

5th. In its total separation from all the officers of the general government—an unnatural connexion, beneficial neither to the bank nor the government.

6th. In its not being obliged to incur the expense of establishing branches.

The disadvantages were—

1st. The loss of the right of establishing branches; but this he did not regard as a matter of regret, as the new bank would not probably desire to establish any.

2d. The loss of the public deposites. These were undoubtedly a considerable benefit, but it was diminished by the necessity which attended it of doing the public business, and the gratuitous transfer of the public funds; and although these deposites have been more than two years withdrawn, the bank still prospers, and its dividends were undiminished.

The next consideration was the bonus.

This consists of—

A cash payment of	$2,500,000
An annual payment, amounting in the whole to	2,000,000
A subscription to various improvements, amounting to	675,000
Making an aggregate of	$5,175,000
An obligation to lend to the state six millions, either at four per cent. at par or five per cent. with a premium of ten per cent. making a gain of	600,000
And a total profit to the state of	$5,775,000

And finally, an obligation to make temporary loans to the state, of one million at a time, at an interest of four per cent.

These, he said, were undoubtedly large sums; they gave great benefits to the state. To a new institution they would be oppressive; but the object of the bank was to deal largely and liberally with the state, and to give her every advantage consistent with the interests of the stockholders. It was fortunate that the interests of the state and the bank were the same. This charter was better for the state than a new charter; it was worth more to the present bank than it would be to a new bank, and the present bank could afford to give more than a new bank.

1st. The charter was worth more to the state than a charter to a new bank. The question is not to bring into the state a new capital, which might be impracticable, but to retain an existing capital, which would leave the state, and not merely leave the state, but go into the service of its neighbors to make rival improvements to its own. It would be to lose the advantage of being, as it has been for forty years, the seat of the great commercial and banking institution of the United States, and thus fall from its high standing in the union. By this charter it appropriates to its own exclusive use a vast amount of capital, which alone is wanted to develope her native resources. Here it is already collected in the state, belonging mainly to persons out of the state, but left here to be managed by Pennsylvanians, and for the benefit of Pennsylvania. After all, too, the bonus is a very trifling part of the advantage to the state. The great benefit is the employment of the capital among her industrious citizens, the bonus being in fact only a part of the capital paid immediately to the state, for the privilege of lending to her citizens the remainder.

2d. The charter was worth more to the present bank than to a new one—

Because the capital was all paid, and ready for immediate employment, with the expense of time and money necessary to collect a new capital, even if it could be obtained;

Because it supercedes the necessity of winding up immediately its large outstanding concerns, in which much loss would be inevitable;

Because, bearing the same name, continuing in the same place and with the same organization, it enjoys its established credit, as well as its old connexions, abroad and at home, and it inherits a circulation of twenty-two millions;

Because, although it could doubtless have obtained a charter elsewhere on much lower terms, wherever it went it would have been an exile, instead of continuing to be what there has been for forty years, the bank of the United States at Philadelphia.

3d. If it be worth more to the present bank than to any new one, the present bank can afford to pay more than any new one.

The bank has, for many years, divided annually more than half a million less than its earnings, and thus accumulated a large reserved fund, which it can now employ, instead of dividing it among its stockholders, in the purchase of the new charter. He then entered into details of these surplus funds, which showed—

That the bank will be able, out of its reserved profits, to pay the whole bonus of $2,500,000, and provide for the annual payments of $100,000 for 20 years.

To these were to be added any profit which might grow out of the sale of seven millions of new stock, to be substituted for the same amount of stock now owned by the United States government.

He concluded that, notwithstanding the bonus was large and greatly beneficial to the state, though not to be compared, in point of importance, to the indirect advantages which this charter would confer on all the great interests of Pennsylvania, still the bank would be able to meet it by its past economies.

He then proceeded to explain the process of winding up the present concerns according to which every stockholder, instead of waiting for a series of years the return of his capital by small instalments, might in a few days be put in possession, not of his original investment of one hundred dollars a share, but of a new share, which he could dispose of for one hundred and twenty, or one hundred and thirty dollars.

He dwelt emphatically on the fact that *every* stockholder would have this advantage. "It would have been far easier," he concluded, (addressing the chairman, Mr. Crowninshield, of Massachusetts), "it would have been far easier for us, of Pennsylvania, to have built up a small institution for the exclusive benefit of the Pennsylvania stockholders, discarding those who lived beyond her own borders. But no such selfish calculation tempted the stockholders of Pennsylvania, nor influenced the councils of our noble commonwealth, which, while faithful to its own interests, was not the less true to its own honor. She gave the glorious example that they who confide their fortunes to its protection will never be deserted nor deceived, and she has this day, by this charter, placed the humblest citizen of the remotest state of the union, and the unknown and obscure inhabitant of distant countries, on an equal footing with the wealthiest man in Pennsylvania. This is a great and glorious triumph, and accordingly I perform one of the most delightful duties of my life by offering this charter, which will hereafter place your fortunes under the protection of the laws of Pennsylvania. Take it; for you have earned it by your constancy to the institution. May you enjoy it long, for you have well deserved it."

After the resolutions of thanks to the president, directors and officers of the bank, and for the service of plate to the president, were unanimously adopted, Mr. *Biddle* rose, and addressed a few words to the meeting:

When I said that in presenting this charter, which conferred so many benefits on my native state while it protected all your interests, I performed one of the most pleasing duties of my life, I scarcely thought it possible to add to my gratification. I was mistaken. The kind expressions of personal regard which you have just addressed to me have rendered that duty doubly grateful. I thank you for them cordially—I feel them deeply and intensely. I feel them the more, because your considerate praise extends to all those excellent officers with whom I have been so long and so happily associated—officers whose intelligence and urbanity softened the severity of duty—and who, wanting no discipline but their own

well-regulated conduct, were the friends rather than the agents of those who guided their labors. If my respected colleagues will allow me to speak in their names, I will return their acknowledgments too for your approbation—the only reward they have ever received for their services, and in their estimation the best reward which thay ever could receive. I should wrong my own feelings, if I did not take this occasion to bear my willing testimony how well that reward is deserved. During our long and anxious struggle for your interests, not one of them, no, not one of them, ever faltered in the path of duty, or sacrificed the smallest of your rights to propitiate power, or to seek favor for themselves. Certainly never had any body of gentlemen more faithful representatives, and I will proudly add, never had any presiding officer, in times of danger, more stout-hearted colleagues or more true-hearted friends.

Allow me to add a very few words on an ungrateful topic—myself; and if I should overstep the narrow limits natural to such a subject, you must pardon the error into which you have yourselves tempted me, since the approval of such friends might well raise the humblest in his own esteem. It is the first time and it shall be the last.

It is now nearly 16 years since I first entered your service. It is more than thirteen years since a general meeting of stockholders from various parts of the union invited me to the station I now occupy. I assumed it with a deep conviction that more development of its powers and a more extended usefulness might be given to our noble institution. It was then conceded, and so represented by the bank to congress, that owing to an organic defect in its formation—chiefly to the universal receivability of its notes—the bank could not accomplish the object of its creation, the diffusion of a sound currency, and the regulation of the exchanges. Believing the difficulties not insuperable, and feeling that every citizen, however humble, should strive to benefit his country, my ambition was to establish for this nation a better system of currency and of exchanges than existed in any other nation. After years of gradual and anxious experiment, the effort succeeded; for now that the subject has become historical, I may be permitted to say that, under the administration of the bank of the U. States, the currency and the exchanges—the basis of all commercial prosperity—attained a perfection not exceeded, if equalled elsewhere. In my deliberate judgment, there exists in no country so extensive as the United States, any currency which, for the soundness of it, the general confidence in it, its universal and equal value, is comparable to that furnished by the bank of the United States, and that in no other country are the internal exchanges effected more safely, easily and cheaply than they were by the bank of the United States. While the community felt these benefits, the state institutions always found in it not an ungenerous rivalry, but a firm and constant support, sometimes checking the rash, often warning the indiscreet, but to all liberal, sincere and indulgent friend. Nor did these efforts require any sacrifice of its interests. On the contrary its prosperity grew with its usefulness. Its circulation rose from four and a half millions to twenty-five millions—its exchange operations from less than two millions to twenty-three millions—and its profits were actually doubled by the enlargement of its commercial sphere.

Having seen this, my ambition was satisfied. I thought I had done my duty to my country, and I was about to ask leave to retire from your service, when an unhappy controversy arose between the bank and one of its partners, the government, and I felt bound to stand by the institution while its interest seemed in jeopardy. It was an original misfortune in the structure of the bank that it was in any way connected with persons in office. The instincts of all political power make that association dangerous—useful to neither party, injurious to both. Accordingly I saw, or thought I saw, in our official associate, a design to subject to personal and political influences the movements of the bank. I knew that such a purpose, if defeated, might destroy the bank, but, if successful, would make it not worth preserving, and that it was better for the bank, and far better for the free institutions of the country, that the bank should perish in that struggle, rather than prolong its existence by surviving its independence. My effort then was, at all times, and at all hazards, to maintain the rights of the institution, respectfully, fearlessly, calmly, yielding nothing to the madness of popular delusion, compromising nothing with official power. How that strife was conducted, you all know; how it has ended, is proved by the events of this day, which render the bank safer, stronger and more prosperous than it ever was. Of that unfortunate associate I desire to speak with all gentleness and forbearance, nor will I mar the pleasures of this meeting by any recurrence to the past. He will soon leave us. He shall carry away not only a just, but a generous portion of our earnings; but then he will depart in peace—forgiven and forgotten.

And now once more, and for the last time, let me thank you. I have long served this institution. With what fidelity and devotedness, my own heart attests. That I have not been wholly unsuccessful, is manifested by your parting kindness, which, to the last hour of my life, I shall remember with a proud gratitude.

LEGISLATURE OF VIRGINIA.

House of Delegates—March 2.

LETTER FROM THE HON. JOHN TYLER.

Mr. *Smith* of G. presented a communication from the hon. John Tyler, which was read as follows.

Washington, Feb. 29, 1836.

To the speaker and members of the general assembly of Virginia.

GENTLEMEN: Certain resolutions of the general assembly, instructing their senators in the congress of the United States, to introduce and to vote for a resolution to expunge the journal of a previous senate in the particulars therein mentioned, and pointing out the precise manner in which the act shall be performed, have been made known to me. After the most deliberate examination which I am capable of bestowing upon them, and with a sincere desire to conform my conduct to the wishes of the general assembly, I find it impossible to reconcile the performance of the prescribed task, with the obligations of the solemn oath which I have taken to support the constitution of the United States. With what promptitude I should comply with the instructions of the legislature, if compliance was permitted me, may readily be inferred from my past course of conduct; and I beg your indulgence, gentlemen, whilst I advert to the most prominent incidents of my life, in connection with the great question of instruction. I was very young when I first took my seat in the house of delegates, to which I had been elected within a few days after I had attained the age of 21. The then senators from Virginia, (Messrs. Giles and Brent), stood obnoxious to the charge of having disregarded the instructions of the legislature, which had been adopted on the motion of a gentleman, then a distinguished member, (gov. Barbour), to vote against re-chartering the bank of the United States. The first, while he voted against the bank, denied the right of the legislature to instruct him—the last disregarded the instructions altogether, and voted for a bank. Impelled by no other motives than to uphold the legislature in its right to instruct its deputed organs, I introduced a resolution disapproving the course which had been pursued by the senators. My motive in doing so, was single and unmixed. *I was too young to seek profit by their overthrow.* The resolution thus introduced by me, passed into other hands, and was substituted by other resolves, which were finally adopted by the two houses of assembly by large and overwhelming majorities. At the age of twenty-five I took my seat in the house of representatives of the United States. The repeal of the compensation law soon came under discussion. I came in to supply a vacancy, and brought with me the wishes of my constituents in regard to that measure. I made them known, and claimed the repeal of the law, as due to the well-ascertained wishes of the people. This brought into discussion the obligation of instructions: and I contended for the right, under the same restrictions and limitations as had been laid down in the resolutions before alluded to. I now reaffirm the opinion at all times heretofore expressed by me, that instructions are mandatory, provided they do not require a violation of the constitution or the commission of an act of moral turpitude. When acting under an oath the public agent, whether a senator or a juror, is bound by obligations of a higher and more controlling character than can proceed from any earthly source. The constitution of the United States is the original and primary letter of instructions, supreme over all, and binding upon all. For, the agent who is sworn to support it, to violate it knowingly and intentionally, would be an act of the grossest immorality and most unmitigated debasement. Such is the condition in which, in my view of the subject, obedience to your instructions would place me. It is known to you, gentlemen, that on my entering the senate, the only oath which I took was an oath to support the constitution of the United States; to support it in all and each of its provisions; to yield it neither to force, persuasion, nor expediency. No matter what the object; should its attainment confer upon me the greatest personal advantage, still to remain unseduced—not to touch that forbidden fruit. I entered into a covenant with my Creator—to break which, would not fail to place in my bosom a promethean vulture, to tear and devour me. The obligation, then, to obey an instruction which calls upon me to break that covenant, cannot possibly exist. I should be unworthy the confidence of all honorable men, if I could be induced, under any circumstances, to commit an act of deliberate perjury. Instead of a seat in the senate, I should richly deserve to be put in the pillory and to lose both my ears as an indelible mark of my baseness—and such would be the sentence which the laws of Virginia would pronounce against me. You have admitted the truth of this position in the alternatives presented in your second resolution. Between those alternatives I cannot hesitate to choose. It is not for every difference of opinion between the representative and constituent, that the constituent would necessarily require the resignation of the representative. In the course of a somewhat long political life, it must have occurred that my opinions have been variant from the opinions of those I represent; but in presenting to me the alternative of resignation in this instance, you give me to be distinctly informed that the accomplishment of your object is regarded as of such primary importance, that my resignation is desired, if compliance cannot be yielded. I am bound to consider you, as in this, fairly representing the sentiments of our common constituents, the people of Virginia, to whom alone you are amenable if you have mistaken their wishes. My position in regard to this whole subject, is of a character to preclude me from going into abstractions. I do not hesitate, on the contrary, to declare that, if you had, as the accredited organs of the people, addressed me a request to vacate my seat in the senate, your request would have had with me the force of law—not a day or an hour could I desire to remain in the senate beyond that hour wherein I came to be informed that it

was the settled wish of the people of Virginia that I should retire from their service. That people have honored me with the highest offices within their gift. If the talents which I have brought into their service be humble, I shall have at least brought fidelity to their interests. No where else have I looked for reward, but to their approbation. I have served under four administrations, and might doubtlessly, by a course of subserviency and sycophancy, have obtained what is called by some preferment. But what could have compensated for the baseness of my prostitution, and the betrayal of the confidence reposed in me by a generous people? The executive files furnish no record of my name as an applicant for any of the crumbs which have fallen from the executive table. I repeat, that I have looked exclusively to the people of Virginia; and when they have extended to me their confidence for twenty-odd years—when I am indebted to them for whatsoever of credit and standing I possess in the world, I cannot and will not permit myself to remain in the senate for a moment beyond the time that their accredited organs shall instruct me that my services are no longer acceptable. If gratitude for the past did not, my own conscious weakness would control my course. What would it profit the country or myself, for me to remain in the senate against their wishes? By retaining my place in opposition to their fixed, declared and settled will, I should aid no cause—advance no great purpose—be powerless for good, and provoke only to harm—reposing on my feeble strength, I should vainly flatter myself that I could with my single arm sustain the constitution, and keep back what I might consider the tide of error, when in very truth I should but excite the popular prejudices more strongly, and imminently endanger the constitution by my very efforts to sustain it.

In resigning then, gentlemen, into your hands, my place in the senate of the United States, to which I was called by your predecessors, I trust I shall be indulged in a brief exposition of the reasons which have led me to the conclusion, that to obey your instructions would be to violate the constitution of the United States, I shall do so boldly and fearlessly, but with all becoming respect, and with all the brevity in my power. The senate is ordered by the congress *to keep* a journal of its proceedings, and to *publish it from time to time*. This injunction is thus solemnly imposed upon the aggregate body, and on each individual senator. Whatever shall be done, shall be faithfully recorded by the secretary, and shall be faithfully kept—not for an hour, and then to be defaced—not for a day, and then to be erased; nor for a year, and then to be expunged—but forever, as a perpetual witness, a faithful history, by which the conduct, the motives, the actions of men, shall be judged, not by those of the present day only, but through all time. It was a wise custom among the Chinese, which required the biography of each emperor to be written before the close of his life, and placed before him, so as to give him foreknowledge of what the world would think of him after his death. It was designed to restrain his evil passions—to curb the exercise of despotic sway. It addressed itself to his ambition, and excited within him a longing for an immortality in the gratitude and admiration of succeeding ages. But this provision in our constitution is still wiser. Each senator writes daily his own biography. He is required to record his own acts, and takes an oath to keep that record and to publish it from time to time. The applause or censure of his fellow-men is not postponed until he has descended to the tomb. It is daily uttered by the living generation. How powerful are the inducements thus addressed to each member to be faithful to the trust confided to him! How much to be admired the wisdom of our ancestors in framing the constitution! If this was its only feature, their title to immortality would be established.

This simple provision is one of the great securities of American liberty. It takes nothing upon trust. If the senate kept no journal, it would be a secret conclave, where deeds the most revolting might be performed in secresy and darkness. The train might there be laid, the mine prepared, and the first knowledge of the treason might be the explosion, and consequent overthrow of free government. Liberty could not coexist with such a state of things. There is no liberty where there is no responsibility, and there can be no responsibility where nothing is known. To have a secretary seated at the table of the senate, to write down its proceedings, and to claim for itself the right to cancel, obliterate or expunge what he had written, is equivalent to having no journal at all—a mockery and a fraud. The journal of the morning may be cancelled in the evening—that of to-day may be expunged on to-morrow—cancel it in any way, whether by black or red marks, whether with circles or by straight lines, it ceases to be a journal, and that which was, is not. The journal is to be published, but there is no journal. There was one yesterday, but ere it can reach the press, it is cancelled, marked out or expunged. These are the necessary results of obedience to your instructions. If that journal contain a transaction discreditable to the senate, I should preserve it as a perpetual monument of its disgrace. If to a party leader, I will give him and his friends who may temporarily have the ascendency, no warrant to erase or blur the page on which such an act of misconduct is recorded. I should be afraid, after performing such a deed, if Virginia is what she once was—and I do not doubt it—to return within her limits. The execrations of her people would be thundered in my ears. The soil which had been trod by her heroes and statesmen would furnish me no resting place. I should feel myself guilty, most guilty; and however I might succeed in concealing myself from the sight of men, I could not, in my view of the subject, save myself from the upbraidings of my own perjured conscience. How could I return to mix among her people, to share their hospitality and kindness, with the declaration on my lips, "I have violated my oath for office, and sooner than surrender my place in the senate, have struck down the constitution?"

If the senate has a right to touch the journal under instructions, it has a right to do so without—if to cancel a part, a right to expunge the whole: if to use ink from a pen, a right to pour it from a bottle—to destroy the journal in any other way—to burn it—to make a bonfire of all that is bright and glorious in our history. I know it has been said that the process directed to be adopted by your resolution is not designed to expunge. I cannot believe this, and reject it as equally injurious to yourselves and unjust to those you represent, You direct the words "expunged by order of the senate," to be written across the resolutions on which you propose to make war. I will not believe that you merely design to ensnare my conscience—much less will I indulge for a moment the idea, that you direct a falsehood to be recorded by me. Those do not understand you who make such ascriptions, and I am not misled by them. The general assembly of a proud and lofty state, is incapable of a mere quibble, and such an one as would disgrace a king's jester. No, gentlemen; the act which you direct to be performed, is designed to be, and is equivalent to, an actual obliteration in all its practical results. The manner of accomplishing this act of cancellation, is wholly immaterial. In *publishing this journal, from time to time* hereafter, the resolution thus cancelled, cannot be published as a part of it. It is declared to be *expunged* upon its face. But, if in this I could possibly be mistaken—if, after all, it is merely child's play—the making a few flourishes, and putting the secretary of the senate to the trouble to write a few unmeaning words, the question would not be changed. Such as is the journal, so shall it be kept, unaltered in a letter, unchanged in a comma—the same as it now is, "to the last syllable of recorded time." Such is the fiat of the constitution. There is not a clerk or deputy clerk in the commonwealth of Virginia who would execute such an order in regard to his records. The people would be alive to the question, and in vindication of their rights, would *expunge the court* sooner than permit the record containing the titles to their estates to be cancelled in any manner whatever. They surely cannot take less interest in the preservation of the constitution, the great charter of all their rights.

The effort has been made to hunt up precedents to justify this act. The pages of English parliamentary history have been ransacked, and an array has been made of examples drawn from the times of the Jameses and Georges of England. With equal force might examples be quoted to justify an American president in executing capitally a citizen of any one of the states without the form of a trial. He might equally be justified in the use of the bow-string, because such is the power of the grand signior. The power of the English parliament is unlimited. So is that of many of the states of this union, in regard to this particular subject. No precedent can have force to overthrow an express enactment of the constitution. Under its provision, the senate is directed to keep a journal of its proceedings. If I were permitted to look elsewhere than to that constitution, I would go to Virginia for bright and glorious examples to conduct me in safety. The first in point of prominence, although not in point of time, is the course attempted to be adopted by the king's party in the house of burgesses in 1765, as to the celebrated resolutions of Patrick Henry, of that period. These resolutions were declaratory of the rights of British America. After their adoption, many of those who voted for them left the city of Williamsburg, thereby giving to the opposite party the accidental ascendancy; and they immediately formed the resolution *to expunge* them from the journal. But by a stroke of policy as bold as it was successful, Mr. Henry saved those resolutions from being expunged, which form at this day one of the brightest pages of Virginia history, and recorded on any man's tomb, would eternize his fame. And yet, to expunge them from the journal, was regarded as much an act of duty by those who proposed it, as you, gentlemen, can esteem it to be in the case under consideration. They failed—and my prayer, as a citizen of a free country is, that you too may be unsuccessful—your posterity may have good cause to rejoice in your failure.

Another example, almost as illustrious, is to be found in the conduct of Robert Beverly, during the administration of lord Culpeper. The history of the incidents of that transaction are not only instructive, but highly interesting. Lord Culpeper, armed with all the authority of the king of England, his master, ordered that a resolution adopted by the house of burgesses during the adminstration of Herbert Jeffries, should be expunged from their records, "as highly derogatory to his majesty's prerogatives." Robert Beverly was clerk to the house of burgesses. Every effort was made to induce him to produce the journal in order to have it *expunged*. He was subjected to all manner of persecutions; but he glorified in his sufferings, and his noble spirit rose in proportion to his persecutions. He peremtorily refused to comply, alleging "that his master, the house of burgesses, had alone a right to make such a demand, and that their authority alone he durst or would obey." And I, too, reply to these orders which are now given me—that I

will not expunge the records of the senate until the constitution, which, while it is permitted to remain, is master over all, shall be changed, altered or abolished. You will have full opportunity, gentlemen, to appoint another in my place. For my part, I will not consent to be made an instrument to accomplish such an object—nor shall I envy any successor whom you may send on such a mission.

Had your resolutions directed me to repeal or rescind the resolution of the senate, I would have obeyed your orders, although with great reluctance. I would, nevertheless, have felt myself constrained to do so by my recognition of your right to instruct me. That proceeding would have reversed and annulled the act complained of. If your object was to vindicate the president in the authority which he assumed and still exercises over the public money, and esteemed it necessary in order to do so, to have had your opinions expressed through me in the senate chamber, they should have been faithfully represented. His vindication, after all cannot consist in the form in which it may be urged. It is to be found alone in the legislative expression of opinion; and even if your declarations in his behalf were confined to your own journals, the historian would not fail to avail himself of them as efficiently as if they stood emblazoned on the heavens. From my knowledge of you, I am sure that you would not be willing to pull down the constitution unnecessarily and without object.

In your effort to vindicate the president, you have cast on me, in common with others, the very reproach which you are pleased to regard so offensive in reference to him. You have publicly, and before the world, declared a resolution for which I voted, to be "subversive of the rights of the house of representatives and the fundamental principles of free government." If you design to charge me with impurity of motive in the vote thus given, your accusation would imply the highest censure. But this I do not ascribe to you. You intend to say no more than that your judgment and opinion differs from that expressed by me upon the subject out of which grew the resolution of the senate, and that the senate committed an error, which, in its effects, is calculated to subvert "the rights of the house of representatives and the fundamental principles of free government." The censure which your resolution conveys, implies a want of correct judgment, on my part, in voting for that resolution, and nothing more. If this be your meaning—and I will not permit myself to think otherwise—I am yet to learn how I incur the hazard of subverting "the rights of the house of representatives and the fundamental principles of free government," by having declared in substance, what as a member of the senate I did by my vote declare, that the president had mistaken his course, and that his conduct was "in derogation of the constitution and laws." Have I done more in this, than you have done in your declaration? And if not, I submit it in all candor to your dispassionate judgment to say whether, if I was liable to trial on impeachment before you, you would consider yourselves as having already pronounced upon my guilt in advance. I should certainly not dream of excepting to you as my judges; because, resting on my integrity of motive, I should feel confident of acquittal. There can be no guilt without a criminal design—and I am sure you would be among the last to ascribe to the president any criminality of design. Am I to understand you as declaring, that because the house of representatives may originate an impeachment against the president or other officer of the government, the senate has no right to express an opinion as to any act of the president or such other officer? No matter what may be the act, even if it annihilates the powers of the senate—has it no power inherent in all other bodies, of self-protection and defence? A Brennus may invade the body and pluck it by the beard, and yet according to this, it has no authority to strike. Go to that venerable patriarch of Montpelier, (Mr. Madison), and ask him whether, in framing the constitution, he designed that the senate should be a mere motionless stock, or a vigilant sentinel to give notice of the approach of danger to that very constitution which it is sworn to support—whether the representatives of the sovereign states are such mere automata as to move only when they are bidden, and to sit in their places like statues, to record such edicts as may come to them? If the president recommends a measure which the senate believes impolitic, shall it not say so? So, if he adopt a course which he may believe to be correct, but which the senate thinks unconstitutional—may it not say so? And does its so declaring tend to *subvert* or *to support* "the fundamental principles of free government?" You surely can be at no loss to decide. The senate, in the instance of the late postmaster general, (Mr. Barry), who had contracted loans in his official character for the use of his department without authority, declared by *an unanimous vote*, that his proceedings in this respect were in violation of the constitution—and yet no complaint has ever been uttered against that resolution of the senate. How comes it about, that anathemas have not been thundered in the ears of the senate because of that vote? Why is not that ordered to be expunged? Why is not that also declared to be "subversive of the rights of the house of representatives, and of the fundamental principles of free government?" Is not the error as vital when it affects William T. Barry, as when it affects Andrew Jackson? If so, every motive of generosity prompted an interference in behalf of the first. He was powerless, and is now in his grave. I had a personal regard for Mr. Barry. He was talented, and his fault lay in being too confiding. Honest himself, he did not suspect others, and they deceived him. This was the rock on which he split. In voting for that resolution I did not design to impute to him moral guilt: I did not believe it—I designed nothing more than to vindicate the constitution. I thought that in doing so, I gave support to "the fundamental principles of free government," and never once dreamed that I had done an act in the remotest degree, subversive of the rights of the house of representatives.

But say that in all this I was wrong. In voting for the resolution of the senate, against which, you are now so indignant, I did no more than carry out the people's declared views of the legislature, as expressed in their resolutions of that day, and which were passed by overwhelming majorities of more than two to one in both houses. The terms employed by the legislature were strong and decided. The conduct of the president was represented as dangerous and alarming. I was told that it could not be *too strongly* condemned—that he had manifested a disposition greatly to extend his official influence—and because, with these declarations before me, I voted for a resolution which declares "that the president in the late executive proceedings, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," I am now ostracised by your fiat, which requires obedience or resignation. Compare the resolutions of the general assembly of that day with the above resolution, and its mildness will be entirely obvious. I submit, with all due deference to yourselves, what is to be the condition of a senator in future, if, for yielding obedience to the wishes of one legislature, he is to be called upon to resign by another. If he disobeys the first, he is contemned—if he obeys the last, he violates his oath, and becomes an object of scorn and contempt. I respectfully ask, if this be the mode by which the great right of instructions is to be sustained, may it not degenerate into an engine of faction—an instrument to be employed by the *outs* to *get in*? Instead of being directed to noble purposes—to the advancement of the cause of civil liberty—may it not be converted into a political guillotine, devoted to the worst of purposes? Nor are these anticipations at all weakened by the fact, as it exists in the case now under consideration, that several of those who constitute the present majority in the general assembly, and who now call upon me to expunge the journal or to resign my seat, actually voted for the very resolutions of a previous session to which I have referred.*

I have thus, gentlemen, with frankness, but without designing offence, expressed to you my opinions. With the question, whether the resolution of the senate which you direct to be expunged, be true or false, I have nothing in this place to do. If false, to rescind or repeal it, was to annihilate its force as effectually as to cancel it. You have preferred to adopt a different course. I dare not touch the journal of the senate. The constitution forbids it. In the midst of all the agitations of party, I have heretofore stood by that sacred instrument. It is the only post of honor and of safety. Parties are continually changing. The men of to-day give place to the men of to-morrow; and the idols which one set worship, the next destroy. The only object of my political worship shall be the constitution of my country. I will not be the instrument to overthrow it. A seat in the senate is sufficiently elevated to fill the measure of any man's ambition; and as an evidence of the sincerity of my convictions that your resolutions cannot be executed without violating my oath, I surrender into your hands three unexpired years of my term. I shall carry with me into retirement, the principles which I brought with me into public life—and by the surrender of the high station to which I was called by the voice of the people of Virginia, I shall set an example to my children, which shall teach them to regard as nothing place and office, when either to be attained or held at the sacrifice of honor. I am, gentlemen, your fellow citizen,

JOHN TYLER.

On motion of Mr. *Smith* of G. the letter was laid upon the table, and Mr. S. moved that 10,000 copies be printed for distribution throughout the state.

Mr. *Botts* moved to amend the motion, and that 25,000 copies be printed. Mr. Smith accepted this modification of his motion.

On this question considerable discussion took place, in which Messrs. Brown, of P. Botts, Gilmer, Witcher, Dorman, Gregory, Summers, Stanard and Brooke supported, and Messrs. Miller, Harrison, Garland, of M. Watkins, Woolfolk, Madison and Holleman opposed the motion.

Mr. *Miller* moved that 1,000 copies be printed.

The ayes and noes having been ordered at the call of Mr. Benton, on the motion to print 25,000 copies, the vote was taken and decided in the negative as follows:

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*We find here the following note in the "National Intelligencer" which is not printed in the "Richmond Enquirer's" copy of Mr. Tyler's letter—

The following is a list of the names of the members of the present general assembly who voted, except the first two named, for the first, and all for the second resolution, and who have now voted for the present expunging orders, to wit:

Linn Banks, speaker of the house of delegates.

Thomas Sloan, of the same house.

Stafford H. Parker, speaker of the senate.

Archibald R. Harwood, Samuel L. Hays, John W. Nash, William Shands, Francis Billingly, William Basye.

This is the first time that a senator has been forced to resign for obeying instructions, and that by the very men who gave them.

AYES—Messrs. Grinalds, Drummond, Gilmer, Southall, Garland, of A. Brooke, Craig, Campbell, Pate, Hunter, of B. Henshaw, Benbring, Christian, Wilson, of C. Servant, Ball, Price, Hale, of F. Davison, Smith, of Frederick, Smith, of Gloucester, Wethered, Mullen, Botts, Gregory, Griggs, Berry, Summers, Carter, Neill, Beard, Powell, Taylor, of L. Ragsdale, Waggener, Benton, Murdaugh, Cooke, Masters, Swanson, Witcher, Morris, Dorman, Leyburn, Harley, Delashmutt, Jett, Cunningham, Brown, Stanard—50.

NOES—Messrs. Banks, (speaker), Layne, Wiley, Miller, Wilson, of B. Decamps, Turnbull, Mallory, Booker, Austin, Daniel, Samuel, Richardson, Johnson, Hill, Vaughan, Hunter, of E. Smith, of F. Hickerson, Strange, Steger, Holland, Bowen, Watts, Watkins, Hail, of G. Avent, Carrington, Coleman, Sloan, Nixon, Goodall, Harrison, Kincheloe, Fontaine, Holleman, Fleet, Robinson, Hays, Straton, Harris, Taylor, of M. & M. Rogers, Garland, of M. Willey, Morgan, Chapman, Ingles, Sherrard, Brown, of N. Leland, Fitzgerald, Woolfolk, Almond, Adams, McCoy, Cackley, Hopkins, Carroll, Madison, Shands, Williams, Marteney, Nicklin, Moffett, Conrad, Jessee, McMullen, Bare, Rinker, Butts, Crutchfield, Moncure, Hargrave, Gibson, Prentiss, Saunders—78.

After a few remarks from Mr. Gilmer, Mr. Miller withdrew his motion, and 185 copies of the letter were ordered to be printed for the use of the general assembly.*

A motion of Mr. *Powell* that 815 additional copies, making in all 1,000, be printed, was rejected.

On motion of Mr. *Watkins*, it was

Resolved, That this house will on to-morrow, proceed by joint vote with the senate, to the election of a senator to serve in the congress of the United States, to supply the place of the hon. John Tyler, resigned.

A copy of the "expunging" resolutions, and of the election of Mr. *Rives*, to the senate, though in type, have been cut off, for the present.

LETTER FROM B. W. LEIGH, ESQ.

TO THE GENERAL ASSEMBLY OF VIRGINIA.

To the honorable Stafford H. Parker, speaker of the senate, and the honorable Linn Banks, speaker of the house of Delegates of Virginia.

Senate chamber, Washington, March 2, 1836.

GENTLEMEN: I am honored with your letter of the 24th ultimo, enclosing me a copy of the preamble and resolutions of the general assembly, upon the subject of expunging from the journal of the senate of the United States a resolution of that body, and requesting me to lay the same before the senate.

I adhere to the doctrine of the right of instruction, as laid down in the resolutions of the general assembly of February, 1812, taken in the plain and obvious sense, and in the full extent, in which it is there expressed; and I shall continue, not only to respect, but also to maintain it, to the utmost of my ability. I deem it, indeed, an important part of the great right of state interposition, as explained and enforced in the memorable resolutions which have illustrated the session of the general assembly of 1799–1800; and, in my opinion, this right of instruction will be found of inestimable value on all occasions that may arise, presenting questions concerning the just boundaries of power between the federal and state governments. If, then, the general assembly had instructed me to give a vote, according to its sense of propriety, on any constitutional question which I could consider as at all doubtful, especially on a question on which the public mind had been long and deliberately exercised, on which men's judgments had been formed under the influence of no party or temporary excitement, but of dispassionate reason, and yet remained divided and balanced; I should, in such a case, have followed the judgment of the general assembly, though it had been contrary to my own. For this would not be to violate my oath of office, but only to renounce all vainglorious pretensions to infallibility, and to pay a proper and conscientious deference to the wisdom of the general assembly. If the general assembly had instructed me *not* to vote for a particular measure, on the ground that it held the measure unconstitutional, then, as it could hardly be unconstitutional to comply with such negative instruction, I should have had no hesitation in yielding obedience to it, however clearly the measure, so disapproved, might appear to my mind constitutional and wise. And as to questions of mere policy, involving no point of constitutional right, I can hardly conceive a case in which I should find difficulty in conforming my vote with instructions given me by the general assembly. But I do not hold myself bound to obey, and I cannot obey, any instruction that commands me to do an act which, in my conscientious opinion, would be, in itself, a plain violation of the constitution, and, in its consequences, dangerous and mischievous in the extreme.

While I thus declare my adherence to the doctrine of the right of instruction asserted by the general assembly in 1812, which, sincerely believing it to be just and true, I then lent my humble aid to maintain, I beg it may be distinctly understood that if, upon more mature reflection, I thought the principle wrong, neither the pride of opinion, nor a sense of the advantages which public men usually derive from maintaining their consistency, nor a fear of the reproaches which inconsistency always incurs, (unless, indeed, it be backed with power), would withhold me from renouncing it.

The first of the resolutions you have transmitted to me instructs the senators from Virginia, in the congress of the United States, "to introduce and vote for a resolution, directing the resolution of the senate of the 28th of March, 1834, declaring 'that the president, in the late executive proceeding, in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both,' to be expunged from the journal of the senate of the United States, by causing black lines to be drawn around the said resolution, as it stands on the original manuscript journal, and these words plainly written across the face of the said resolution and entry—'Expunged by order of the senate of the United States.'"

I have reconsidered the resolution of the senate disapproved of by the general assembly, in reference, as well to its intrinsic propriety, as to the constitutional competency of the senate to adopt it; I have reflected on the question, whether the resolution of the senate, supposing it wrong, can constitutionally be expunged from the journal; I have, in doing so, earnestly endeavored to discard from my memory the circumstances belonging to the history both of the resolution condemned, and of the resolution condemnatory; indeed, I was called upon to consider the proposition to expunge the resolution of the senate, before I thought it possible I could ever be personally concerned in the result; and, in every view I have been able to take of the subject, I find it absolutely impossible to obey the instruction now given to me. I cannot obey it, without committing an act which, to my judgment and conscience, would be a plain violation of the constitution of the United States. I cannot obey it, without descending to a degree of slavish baseness that would render me justly despicable, and expose me to the scorn even of those who have commanded the deed. I cannot obey it, without forfeiting my own self-respect forever.

The constitution of the United States contains a provision (such as is to be found in few, if any, of the state constitutions), that "each house" [of congress] "shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal." The purpose of the provision is most obvious. It requires each house to record its transactions—to record them all, truly exactly and fully—to record them for the information of present and future generations; to furnish evidence, to which the constituent may refer in the examination of the conduct of the representative, or the representative resort for his justification; and to hand down to our posterity, a certain knowledge of all the acts of their ancestors, which may often serve as a guide to direct them, and sometimes a beacon to warn. And unless the provision can be complied with by keeping a partial, false and garbled record of the proceedings of the two houses—unless this duty to record the truth, can be fulfilled without recording the whole truth—or unless the injunction to *keep* the journal, can be understood as not commanding us to *preserve* it; it is impossible, I should think, to maintain, that the record of any resolution or proceeding of the senate can be *expunged* from its journal, in the literal sense and true acceptation of that word; that is, wholly blotted out or erased. Indeed, it would be difficult so to expunge any part of the journal, without impairing the record of something else, which all would wish to preserve truly and fairly recorded.

The general assembly itself, sensible (as I humbly venture to suppose) that the resolution of the senate in question cannot be actually expunged from the journal without a violation of the constitution, proposes that it shall be expunged, "by causing black lines to be drawn around the said resolution, as it stands on the original manuscript journal, and these words plainly written across the face of the said resolution and entry—'Expunged by order of the senate.'" In other words, if I mistake not the meaning and principle of the instruction, the general assembly, admitting that the resolution of the senate cannot, consistently with the constitution, be expunged from the journal *literally*, yet thinks that it may be expunged *figuratively*. I pray the general assembly to consider the danger and the mischief that must flow from a precedent of this kind—which would, in effect, elude a positive injunction of the constitution by a metaphorical use of words, and what is more, a typical doing of deeds. I doubt whether there is a single provision of the constitution, which may not be eluded, and set at nought, by a similar process, and I must add, that this typical method of expunction is more abhorrent from my feelings of constitutional duty and propriety, than the literal. Undoubtedly, the precedent admits of a broader and easier, and therefore more mischievous application. I pray the general assembly to consider, too, the hardship of imposing upon the consciences of men acting under the sanction of an official oath, the duty of conforming their official conduct with the rhetoric of their constituents. In the framing of laws, and in legislative proceedings of all kinds, it has always been found wise and necessary to discard all figures of speech, and to adopt the plainest language in its plainest literal acceptation. If I rightly understand the meaning and purpose of the instruction given me, the general assembly would have me propose and vote for an expunction of the obnoxious resolution of the senate from its journal, in such a manner, that it shall *not* be expunged after all, in whole or in part. Now, in the first place, I doubt very much

*This appears to have been the number that was printed of Mr. Rives's letter, on a similar occasion.

whether this could be done, even in the method prescribed; and, in the next place, if, entertaining the opinions I do on the subject, I should vote for any such process of expunging, I should be guilty of mental equivocation in the discharge of my official duty. I humbly hope for the pardon of the general assembly and of all good men, if I cannot, at its command, extinguish the knowledge I have acquired of my mother tongue; much more, if I cannot disregard the dictates of reason and conscience, which God has planted in my breast, to be the ruler and monitor of all my actions.

I find myself constrained to say, that I cannot obey the instruction for expunging the resolution of the senate, in any manner, literally or figuratively.

This brings me to the consideration of the second resolution of the general assembly, which declares, that "the assembly regards the right of instruction 'as resting on the broad basis of the nature of representation,' and one of the vital principles of our free institutions; and that it is the duty of the representative to obey the instructions of his constituents, or resign the trust with which they have clothed him, in order that it may be transferred to the hands of those who will carry into effect the wishes and instructions of the constituent body."

And here, in considering the alternative proposed to me, I cannot but advert to the very peculiar nature of the act which the instruction requires of me, and to some remarkable circumstances in the history of the subject.

The resolution which the general assembly proposes to expunge is only the expression of an opinion held by the majority of the senate for the time being, and the entry of it on the journal, only the record of the fact that such was the opinion of the body. It must be obvious to the minds of all men that the expunction of the resolution from the journal of the senate can nowise affect the main question—whether the opinion therein declared was just or erroneous—and whether or no it was within the competency of the senate to determine on the subject of the resolution; nor can the defacement of the record of an historical fact, in whatever manner it may be effected, annul or alter the fact itself, or, in the present case, impair, in the slightest degree, the memory of the transaction. Some hundreds of copies of the journal containing this resolution, have been printed; some deposited in the public archives; and some delivered to members of congress for the time being, which have thus become private property, and been dispersed throughout the union: the resolution was published, too, in all the public journals of the day: it stands recorded on the journals of all the state legislatures that have thought proper to take the subject into their consideration: the general assembly of Virginia has itself recorded it, in the very resolutions in which it directs the senators of the state in congress, to vote for expunging it from the manuscript journal of the senate. For any direct purpose, therefore, which the expunction of it can serve, viewing the act apart from the intention, nothing can be more absolutely nugatory. The resolution itself, the evidence of it, and the opinion it declares, will all be handed down to posterity by faithful history; nay, even by the very record of the proceeding to expunge it. It is vain to say, as the general assembly has said in the preamble to its resolutions, that the resolution of the senate is "an assumption of power not warranted by the constitution, and calculated to subvert the rights of the house of representatives, and the fundamental principles of our free institutions:" for, if this were really the case, the general assembly should have levelled some of its censures against the house of representatives, for neglecting its high trust—for neglecting to vindicate "the fundamental principles of our free institutions," and, especially, its own rights and privileges, against the encroachment of the senate. I am not aware that that house has made any complaint: perhaps, it understood the subject too well, to do so. It is the executive only that has protested against this proceeding of the senate; and the only conceivable purpose which the proposed expunction of it can answer, will be to signalize the triumph of executive power over a department of the legislature that has had the firmness to oppose its measures—to set a mark of disgrace and humiliation upon the senate, and to bind a wreath of inglorious victory around the brow of the president. And even for this purpose, no stroke of the pen was ever more vain, than that which shall mark those black lines around the resolution of the senate, and write that sentence of expunction on its face—if, indeed, it be not calculated to work the direct contrary effect to that intended. The victory of the president over the senate may be as complete without it. And if, unhappily, the fruits of that victory shall ripen into their full maturity of bitterness—in times to come, when the constitution of the senate shall be subverted—when the check it was ordained to hold upon the power of the executive, and of the popular national branch of the legislature, shall be removed—when the substance of the constitution shall be destroyed, and nothing but its empty forms remain; history will paint those black lines drawn around this resolution, and those fatal words of condemnation written across its face, and hold them up as a mournful memento to ourselves of departed liberty, and a warning to some happier race of mankind. If, on the other hand, the senate shall, by the blessing of Providence, continue to maintain its place in the system—still exercising the functions for which it was designed—enjoying freedom of deliberation and independence of action; then will the manuscript volume of the journal, and indeed the single page, containing those memorable circular black lines, be the only volume, and the only page, that will ever be sought after, or read. The process of expunging the resolution, is the surest way to render the memory of it immortal.

It cannot be forgotten, that very shortly before I was first elected to the senate, the general assembly of Virginia, upon long and solemn deliberation, *Resolved*, "1. That the recent act of the president of the United States, exerting a control over the public deposites, by causing them to be withheld and withdrawn, on his own responsibility, from the United States bank, in which they had been ordered to be placed by the act of congress chartering the said bank, is, in the judgment of the general assembly, a dangerous and alarming assumption of power by that officer, which cannot be too strongly condemned. 2. That, while the general assembly will ever be ready to sustain the president in the exercise of all such powers as the constitution has confided to him, they, nevertheless, cannot but regard with apprehension and distrust the disposition to extend his official authority beyond its just and proper limits, which he has so clearly manifested in his recent interference with the treasury department of the federal government, in the exercise of a sound discretion which congress had confided to the head of that department alone. 3. That our senators in congress be instructed, and our representatives requested, to use their best endeavors to procure the adoption, by congress, of proper measures for restoring the public moneys to the bank of the United States, or at least causing them to be deposited therein for the future, according to the direction and stipulation of the act of congress chartering the said bank, if, at the time of their action on the subject, the said bank be, in their opinion, a safe depository of the public treasure." Thus, the general assembly, at that session, expressly affirmed the very proposition (and in far stronger terms) contained in the resolution of the senate which the present general assembly condemns; and the resolutions of the former session manifestly presuppose, that it was within the competency of the senate, as well as the house of representatives, to act upon that proposition, then in fact pending in the senate. In consequence of those resolutions, one of the senators from Virginia resigned his seat; a resignation certainly most unexpected to me; equally unexpected, I believe, to the general assembly, Neither have I ever believed, that the resolutions it had adopted were designed to produce any such result. I was soon after elected to fill the vacancy. I shall not say that the resolutions which had recently been adopted by the general assembly, constituted my motive for voting for the resolution passed by the senate some few weeks after I took my seat: for, in truth, this resolution expressed the sentiment I myself had all along entertained and expressed. But, surely, I have a right to refer to the instructions of the general assembly of 1833-'4, requiring me to vote for the resolution which the present general assembly instructs me to expunge, and to vindicate and sustain myself by their authority: otherwise, no senator can ever safely obey any instruction: he must incur the danger of being driven to the alternative now presented to me, of dishonoring himself by voting against his conscience, or of resigning his place, whenever, in the vicissitudes of party warfare, a subsequent legislature shall think the instruction wrong. It is with the deepest conviction and heartfelt pain, that I say, as I must say, that the proceedings of the general assembly of Virginia on the present occasion, are calculated, above all things, to impair the right of instruction itself.

I should have a right, too, after having acted in conformity with instructions given by the general assembly at one session, and seeing the same opinions prevail at a succeeding session, to appeal from the mandate of the present assembly, to the people, at the next elections. And this would seem the more reasonable, if it should be considered, that some of the state legislatures have, at their sessions of 1834-'5, instructed their senators to vote for expunging the resolution of the senate in question; and, though their instructions have been disregarded, have, at their last sessions, declined to repeat and enforce them. But I choose to place myself, at once, upon different and higher ground, and to act up to the principles, reasons and motives which, in reality, dictate the conduct I am going to pursue.

It cannot escape observation, that, while the general assembly instructs *me* to *expunge* the resolution of the senate, which I voted for in conformity with the instructions of the assembly of 1833-'4, the *present* assembly has not *expunged* the resolutions of the *former* assembly. And though (if I am rightly informed) a proposition has been made to *rescind* the former resolutions, even that proposition has not yet been acted on. So that I am to understand, that the general assembly is instructing me to do, in respect to a former resolution of the senate, that which it will not do itself, in respect to resolutions passed at a former session of its own body. I must bespeak pardon for remarking, further, that, though proceedings have been had in congress, and some laws have been passed, violating, in the opinion of the general assembly, *the dearest rights of the people*—take, for example, the sedition law: and though, too, many laws have been passed by the federal legislature, which, in the opinion of the general assembly, transcended its constitutional powers, and encroached on *the rights of the states;* yet it has never, heretofore, occurred to the general assembly, in any case or at any time, to assert and vindicate *the rights of the people*, or *the rights of the states*, against such assumptions of power by congress, by an expunction (literal or typical) of the obnoxious proceedings from the journals of the two houses. And now, for the first time, when a simple resolution of the senate is sup-

posed (by some unaccountable misconception of its import and intention) to encroach upon the rights of the national branch of the federal legislature, which, probably, has not perceived, and, certainly, has not complained of, the encroachment—or (to speak plainly) when the senate has presumed to question the rights and powers claimed for the executive department by the president, who alone has complained and protested against its proceedings—I see the general assembly of Virginia coming forward to vindicate *the rights and powers claimed by the president*, by this process of expunction, which it has never thought of resorting to, for the vindication either of *the rights of the people*, or *the rights of the states*. I mention these strange contrasts, because they have raised the gloomiest apprehensions, in my mind, of approaching danger to our republican institutions, and because those apprehensions have had an important influence in determining my judgment and my conduct, under the extraordinary instructions, which the general assembly has thought proper to give me.

The general assembly can have no reason to doubt, and, I am quite sure, does not doubt, that I voted for the resolution of the senate which it condemns as unconstitutional and mischievous, under sincere conviction that it was constitutional, wise, and even necessary to assert and vindicate the authority of the laws; neither can it doubt that this is still my opinion; yet, without deigning to suggest any reasons to enlighten and convince my understanding, the general assembly gives me a peremptory instruction to propose and vote for the expunction of this resolution from the journal of the senate; and it insists, that I must obey its will and command—or resign my office. It instructs me to vote to expunge from the journal, that which it knows, as well as I do, is there truly recorded; it instructs me to deface, and in a manner to falsify, a public record, which it knows the constitution explicitly requires the senate to keep; and (to remove my scruples) it prescribes the expunction of the resolution from the journal, figuratively and typically, in such a manner as can only serve to elude the positive injunction of the constitution, and to signalize the humiliation and disgrace of the senate, without at all affecting the historical evidence of the fact: it instructs me to do this—or resign. It instructs me so to expunge, as *not* to expunge, the resolution: it requires of me, in a word, a jesuitical equivocation with my oath and conscience; and (considering the knowledge it must have of the opinions I entertain) it commands me to incur dishonor, shame and guilt—or resign. It requires me, in effect, to give my recorded sanction to the prerogatives claimed by the president, in his memorable protest against the proceedings of the senate, and to the limitations he thinks proper to set upon the rights, powers and privileges of this body: well knowing the opinions I have avowed on the questions of constitutional right, and, I hope, not doubting their sincerity, the general assembly commands me to inflict this (in my sense of things) vital blow upon the constitution of my country—or resign. I cannot shut my eyes against the truth—plain and glaring upon the very face of the transaction—that such instructions were not given me, with any expectation, or view, or perhaps, even wish, that I should yield obedience to them. There is, in truth, no choice between the alternatives proposed to me; and I believe, most undoubtingly, that it was not designed to leave me any choice; that the real and the only purpose of the instructions, was to compel me to resign—"to instruct me out of my seat." Indeed, it seems to me, that this design is almost avowed in the preamble and resolutions you have transmitted to me. For the preamble recites, as a motive for the proceeding, that "the assembly deem it *their solemn duty* again to reassert the duty of the representative to *obey* or resign;" and then, after giving me an instruction which the assembly knew that *I* could not *obey* without crime and foul disgrace, it resolves—"that it is the *duty* of the representative to *obey* the instructions of his constituents, or to resign the trust with which they have clothed him, in order that it may be transferred into the hands of those who will carry into execution the wishes and instructions of the constituent body."

It was impossible that I should have remained ignorant of, and it is equally impossible for me to forget, the political operations in Virginia during the past year. I know that the design of "instructing me out of my seat"—or (in courtly phrase) "giving me a walking ticket," was early and openly avowed and recommended; that it was an advantage not a little vaunted, which the victors promised themselves from the success they achieved at the last annual elections; that the scheme of the instruction was proposed and discussed, and the very method of typical expunction which the general assembly has adopted strenuously recommended, as the proper and sure means of driving me to a resignation, in the public prints, which are sometimes the organs, and sometimes the dictators, of party plans. I know, moreover, that the proceeding was aimed at *me*—particularly at *me;* and that, to insure its success, no effort has been spared to exaggerate my faults, such as they are; to falsify the history of my life, simple and obscure as hitherto it had been, and barren of incident; to misrepresent all my motives, sentiments and actions; and to raise such a storm of public indignation against me as should make me bend like the willow in the fable, and preserve a worthless existence by yielding, rather than be torn up by the roots like the sturdy oak, and laid forever prostrate on the earth. I shall fulfil my destiny with firmness and composure. Let me thank my enemies for having given me a consequence which my own merits would never have achieved, that enables me to act a conspicuous and useful part in the defence of the "free institutions" of my country. I ought to be grateful to the general assembly for placing me, as it were, at the head of a forlorn hope in the contest now waging for the preservation of the constitution and the laws; and though I am as sensible of the danger, as I am of the honor, of the post assigned me, I hope, with the blessing of God, to approve myself not altogether unworthy of it.

If the general assembly had any object at heart, pursued directly for its own value, and not as a means of accomplishing, by indirection, other objects, plainly unjust and unconstitutional—and should give me an instruction to use my endeavors, in my official station, to promote its views—an instruction, which it believed I could conscientiously obey—an instruction framed with no design to force me to a resignation; and if, in such a case, I should think the end aimed at unconstitutional, and should be, therefore, unwilling to be an active agent in accomplishing it; the case would be a very strong one, indeed, and attended with very peculiar circumstances, in which I would retain my seat, and stand as an obstruction to the accomplishment of the measure desired. But regarding the present instruction as mainly directed to the purpose of forcing me "to resign the trust with which" the general assembly "has clothed me, in order that it may be transferred into the hands of those who will carry into execution the wishes and instructions of the constituent body"—which wishes and instructions I think plainly contrary to the letter and spirit of the constitution; and deeply convinced, as I am, that my resignation would more vitally affect the integrity of the constitution, than even an implicit obedience to the instructions; I have, therefore, come to a resolution, that I cannot, ought not, and will not resign.

I pray the general assembly to accompany me for a brief space, and to accompany me with patience, in a consideration of the practical consequences of the precedent, and of the doctrine, (for precedent will soon grow into doctrine), which it proposes to establish—namely, that the state legislatures may give instructions to their senators in congress, which they believe they cannot obey without conscious dishonor and crime, and therefore will not obey, in order to force them to the alternative of resignation.

The unavoidable effect will be, to change the tenure of the senatorial office, from a term of six years, which the constitution has ordained, to a tenure during the pleasure of the respective state legislatures that elect them; to make the senate, which was plainly designed, and that for the most obvious purposes, to be the most permanent body in the government, in effect and in practice, the most fluctuating, transient, and unstable.

The senate, constructed on the federative principle, to represent the sovereignties of the states, which, from the nature of sovereignty, are coequal, is so essential to their existence and preservation, that if the senate were abolished from the system,—the other branches of the government, both of which are national in their character, remaining in full force—it is hard to imagine how the state governments, or any thing more than the forms of them, could long endure. And whatever tends to diminish the weight of the senate in the system, must tend to impair, in exactly the same proportion, the state sovereignties themselves, and to a general consolidation of them all into one empire. The federative senate, representing the states, was designed as the balance of the system—as a check on the popular branch of the legislature, and on the executive, both of which are almost entirely national in their constitution—and, in matters of important and permanent interest, it is a check that can very rarely operate for a longer time, than may suffice to mature the judgment of the people on sober dispassionate reflection. The senate cannot, if it would, counteract the permanent will, the deliberate settled judgment of the nation. The house of representatives, elected for two years, representing the people immediately, and therefore more exactly representing their opinions and wishes for the time being, and more apt also to represent their passions, is, in that way, endued with a power and influence, which the shortness of its term of office hardly suffices to counteract. The president, elected for four years, clothed with all the powers necessary for the executive of a government charged with the foreign relations of the nation, with his veto on the acts of the legislature, and the whole patronage of government in his hands, is far more than the equal in power of either branch of the legislature, and, in the opinion of many, more powerful than both combined. His very unity is a principle of strength. The only means of making the senate co-ordinate with the other departments, was that which has been resorted to; namely, to make it more permanent: and hence it was, that the senatorial term of office was made three times as long as that of the representatives, and half as long again as that of the president. If the senatorial term of office be reduced, the power of its check on the national branches of the government will be proportionally impaired; if it be made to depend on the pleasure of the state legislatures, the check will be almost annihilated: and the state sovereignties must share its fate, and be impaired or annihilated with it. To me, therefore, it seems, that the state governments would commit an imprudent act, if they should consent to shorten the term of the senatorial office; and a suicidal one, if they should establish the principle, in theory or in practice, that their senators shall hold their offices only during pleasure.

But whether these views are wise or not, all will agree, that the tenure of the senatorial office, being for a term of six years

fixed by the constitution, is not now, and was not designed to be, dependent on the pleasure of the state legislatures, and can be nowise authoritatively made so, but by an amendment of the constitution of the United States, perfected according to the provisions of the 5th article; and that such an amendment would work a vital change in the whole constitution of the federal government, and in the relations between that and the state governments. If the doctrine, which the general assembly now asserts, and which it calls upon me to give my aid to establish, by setting the example of conforming with it, shall become, generally prevalent in the other states of the union as well as in Virginia, then will that vital change be wrought in our institutions, as effectually as it could be by an amendment of the constitution, and this, by means the most irregular, and the most contrary that can well be conceived, to the cautious spirit of the provision for future amendments.

The doctrine is, that a senator in congress is bound to yield implicit obedience to any instruction, which the state legislature that elected him may give him, or to resign—no matter how plainly unconstitutional, no matter how base and criminal, the act which he is enjoined to perform may be, *in his own judgment*—that he has no right to exercise his own judgment at all, or consult his own conscience: he is not, in this case, a moral agent: he has no alternative but to obey or resign.

If this doctrine shall become generally adopted and established throughout the United States, by the assertion and exercise of it on the one part, and submission to it on the other, I pray the general assembly to consider, for a moment, the probable workings of the principle in practice. Whenever the president shall feel the check of senatorial opposition—if the senators in opposition shall have the firmness to continue refractory to his will, unmoved and unawed by his power—especially, if there shall be nearly a balance of parties in the body, so that a few changes may reverse the majority—the president will be placed under the strongest temptations to have recourse to the state legislatures, in order to disembarrass himself of the opposition. Suitable, nay even plausible, pretexts will never be wanting, to justify or excuse their interference. There will be no difficulty, at any time, much more in times of violent party excitement, to select some prominent measure, involving a question of constitutional right, and to frame an instruction upon it to the refractory senator, which it is known he cannot conscientiously obey, and therefore will not obey, and to require him, nevertheless, to obey or resign. And to obtain the instruction, we may surely expect to see all the mighty influence of presidential power and patronage brought to bear upon the state legislatures, and upon the elections to them—to delude and demoralize the people—to tamper with, corrupt and seduce, the state assemblies, whose senators in congress it may be deemed most important, or most feasible, to remove. Fit instruments and agents for the work will always abound, and volunteer in the service—the venal panders of power, the whole tribe of parasites and sycophants zealous to conciliate favor, the vain aspirants after political importance, honor and notoriety—all will crowd into the president's train, and vie with each other in doing his biddings. I am speaking of the probable, natural, inevitable effects of political causes put into action. I do not believe, and therefore I am not insinuating, that the general assembly intends to open the field for these abominations. I speak with freedom, but not without sincere respect. It is the firm conviction of my mind, that there never was, and cannot be, a process invented, better calculated than that which I am now called upon to take an active part in establishing, to place the federal executive under the strongest temptation to employ its influence, power and patronage, in the purchase of subservient senators; and to place the state assemblies under temptation to provide the commodity for market; to destroy the purity of the people, upon which all depends at last; to destroy the purity of the state assemblies, and to prostrate their dignity, authority and influence, in the dust. As to the senate, that will soon be, to all purposes of useful service which it was intended to answer in the system of the federal government, absolutely annihilated.

And if this doctrine shall, in practice, be confined to Virginia, as perhaps it may be, and, judging from present appearances, probably will be,—then these abominations will be confined to her alone: her people alone will be exposed to the process of demoralization, her assembly to the arts of corruption and seduction: and her ancient dignity and pristine glory will only be remembered to point the tauntings of scorn at her fallen condition.

Many there are, I know, many good and thinking men, especially in Virginia, who differ with me on this subject; who approve the doctrine I have been controverting, in principle, and hope the most beneficial results from it, in practice; who are as firm in the conviction, that it is necessary to the maintenance of the state sovereignties, as I am in the belief, that its probable, and indeed unavoidable effect will be, to impair, degrade and prostrate them; and whose minds are, therefore, predisposed to condemn my opinions, and my conduct, on this occasion. I do not presume to censure *them;* and I must patiently abide the censure they will pronounce on me. If, with the sentiments I entertain concerning this doctrine, and the pernicious consequences that are likely to flow from it, I should consent to become an active instrument in establishing it, by setting an example of conforming with it, I could not ask the forgiveness of my country, and should hardly hope for mercy from heaven.

I see, with no little surprise, that it is declared, in the preamble to the resolutions of the general assembly, which you have transmitted to me, that "the assembly deem it their duty *again to reassert*, in behalf of themselves and the people of Virginia, the *right* of the constituent to instruct and the *duty* of the representative *to obey or resign:*" from which I infer, that the general assembly supposes, that this same doctrine has been asserted more than once before. I can only say, that if this peculiar doctrine ever was asserted before, I do not know when, where or on what occasion, it was asserted. It certainly is not asserted, nor was it intended to be asserted, in the preamble and resolutions, adopted by the general assembly in February, 1812, on the subject of the right of instruction. That paper was the work of my own hands, without assistance from any other person whatever, and drawn up, (as I but too well remember), with a haste, which, in my own apprehension at the time, materially impaired its value; yet, upon a recent and careful review of it, I do not find myself inclined to retract, or to modify in any essential point, the propositions there asserted and maintained; and, therefore, I am willing, and even desirous, that my present opinions and conduct shall be tested by them. I was, then, a young statesman, but not a very young man; and it had been fixed in my mind, by reflection and by the lessons of history, as a rudiment in ethics and in politics, that no proposition can be stated in either, however, just and true, when properly understood and applied, that may not, if abused, misapplied, or pushed to extremes, result in vice or folly. Sensible that the right of instruction, and the correlative duty of obedience, might be abused to the purpose of commanding violations of the constitution, and even acts of moral turpitude—so abused, under the influence of excitement and passion, to which the constituent body, as well as the representative, like all other men, might sometimes be subject—I took the utmost pains to guard the doctrine against such abuses. Let us see how I accomplished the object. The very claim which I understand the general assembly now to assert, to power in itself, and to obedience from me—absolute power on the one hand, and blind obedience on the other—is stated as an objection to the reasoning of the preamble, and answered as follows:

"But it has been said that a state government may instruct its senators to violate the constitution of the United States—that a state in actual insurrection against the general government, may instruct its senators to promote the cause of rebellion: *and it is asked, whether the senator would be bound by such instruction, to violate the constitution he had sworn to preserve*, and to overthrow the government he had sworn to defend? It may be answered in the first place, that the particular instruction, which forms the subject of present consideration, could by no possibility involve a breach of the constitution of the United States. It might, and in the opinion of this assembly, would have been unconstitutional to charter the bank of the United States anew; but, surely, it could not possibly be deemed unconstitutional not to charter it. As to the rest, without determining the point which has been taken for granted, that a state in open rebellion against the general government, would still be entitled to its representation in the senate, which, to say the least, is extremely doubtful—it is admitted without difficulty, that *if a state instruct its senator to give a vote plainly unconstitutional*, or to raise the standard of rebellion, *the senator is not bound to obey such instruction. Every case, such as that supposed, must stand upon its own peculiar circumstances:* it supposes all bounds of right transcended, all legitimate rule prostrated: and *the propriety of opposition*, must be determined *by the nature of the injustice, the extent of the mischief, and the prudence of resistance.* But it is no argument against the exercise of a lawful power, that it may be made pretext for the assumption of an unlawful power. The right of instruction rightfully exercised, with no evil intention, to no pernicious object, cannot be effaced by the admission, that if a state government, or the general government, become corrupt and ambitious, and usurp tyrannical power, it may of right and ought to be resisted. The admission is cheerfully made. *The general assembly of Virginia is incapable of affirming the exploded doctrine of non-resistance.*" And upon this reasoning in the preamble, the two resolutions of a general nature, with which the paper concludes, assert—"That it is the indubitable right of the state legislatures to instruct their senators in congress, on all points, either constitutional or politic, whenever the magnitude of the occasion shall require such interference, and that, by consequence, it is the bounden duty of the senators to obey such instructions; *provided the instructions to be given and obeyed, require not the senator to commit a violation of the constitution, or an act of moral turpitude.* That, after this solemn expression of the opinion of the general assembly, on the right of instruction, and the duty of obedience thereto, no man ought henceforth to accept the appointment of a senator of the United States from Virginia, who doth not hold himself bound to obey such instructions"—meaning, obviously, such legitimate instructions as those mentioned in the previous resolution.

The resolutions, then, which are the conclusions resulting from the reasoning of the preamble, expressly declare, that the instructions which the state legislatures have a right to give their senators in congress, and which it is the bounden duty of the senators to obey, are such only as "require not the senator to commit a violation of the constitution, or an act of moral turpitude." And it is expressly stated, in the preamble,

"that if a state instruct its senator to give a vote plainly unconstitutional," "the senator is not bound to obey such instruction"—that every case of the kind "must stand on its own peculiar circumstances"—and that "the propriety of opposition must be determined by the nature of the injustice, the extent of the mischief, and the prudence of resistance." The alternative here proposed to the senator, is not *obedience or resignation*, but *obedience or resistance;* to be determined by the considerations by which all resistance to the authority of government must ever be determined.

If an instruction were given me to vote for a measure of no very material consequence—a measure which, if adopted, would not lead to any serious permanent evil—and yet I could not, for reasons of any kind, conscientiously vote for the proposed measure—in such a case, I might very properly, and should without hesitation, resort to a resignation, in order to evade the painful alternative of obedience or resistance. Or, if an instruction were given me, which I could not obey without violence to my conscience, and the "peculiar circumstances" of the case should nevertheless be such, that my resignation would be attended with far less of evil than the accomplishment of the object of the instruction, and would not be itself a source of equal or greater evil; in such a case as this too, I might, consistently with my sense of duty, and very gladly should, disembarrass myself of the alternative of obedience or resistance, by a resignation. In truth, resignation is a *privilege*, not a *duty*—a privilege allowed the senator by which he may wholly avoid the alternative of obedience or resistance, as expounded in the preamble and resolutions of February, 1812.

Here, the general assembly has instructed me to do that which, in my judgment and conscience, would be a crime, and of course, *in me*, an act of moral turpitude: I cannot obey without crime: and, in my opinion, formed upon long and anxious deliberation, resignation would inflict a more vital blow on the constitution, because it would be followed by far more serious and mischievous consequences to both the federal and the state government, than a literal obedience to the instruction. The alternative is, then, forced upon me, of obedience or resistance; an alternative, which would be painful enough in itself, and is rendered doubly so to me, by considerations which I shall mention in the sequel.

He that would judge my conduct fairly, should suppose himself in my situation, and bring home to his own bosom the opinions *I* entertain, and the motives by which *I* am actuated. If the views I have unfolded, as to the nature of the instruction that has been given to me, the real object at which it was aimed, the turpitude and criminality which, entertaining the sentiments I do, I should incur by yielding obedience to it, and the impossibility of resigning without giving my aid to a dangerous innovation on the constitution, be not wholly groundless, then, I apprehend, there is no man who can think that "the nature of the injustice, and the extent of the mischief," do not justify, and call for, resistance. I have understood it has been supposed, that all the moral responsibility rests on the constituent body, and the senator is relieved from any portion of it; that it is the province of the constituent to judge and command, and his to believe and obey. Can it be really thought that the official oath of a senator to support the constitution of the United States, is subject to an exception which exempts him from the duty of supporting it against infringements attempted by the state legislature that has elected him? that the senator may and ought to take the oath with a mental reservation, that he will support the constitution, unless he shall be commanded by the constituent body to violate it? Surely, the general assembly is not going to give its high sanction to doctrines of this kind, which would sap the foundations of all public virtue. The truth is, that, in all contests between those who exercise authority and those over whom it is exercised, as to the rightful exercise of such authority—as to the duty of obedience, or the right of resistance—both parties must, in the nature of things, judge for themselves; and the only difference between them is, that the party resisting power, resists at his peril; which alone suffices, in general, to determine him against resistance, except in extreme cases. To say that those who hold power have the sole right to exercise judgment, and that those over whom power is exercised have no right to judge for themselves whether they are oppressed or not, were to affirm the very doctrine of passive obedience and non-resistance maintained by the university of Oxford in the reign of James II. The commands of the constituent legislature cannot justify, or even excuse, the senator, in a palpable violation of the constitution, or in an act of moral turpitude. The servant, nay even the slave, is not bound to obey, and more, is not excusable for obeying, the unlawful commands of his master.

Then, as to "the prudence of resistance" in this case. All questions of resistance to authority present a compound consideration of right and expediency. However just and right resistance may be in itself, yet it ought never to be resorted to unless there be a reasonable hope of correcting the mischief, and securing some good end; nor ought any man, however strong his sense of wrong and injustice, to involve others with himself in a hopeless, useless, dangerous effort of resistance. This last objection to the course I have resolved to pursue I have taken the most effectual care to obviate. I have asked the advice of no man, much as I desired the advice of my friends, and willingly as I should have sought it, if I could have done so without danger of committing them, as men of honor, to share my fate: I have, indeed, communicated my purpose to very few, and to them in the strictest confidence. I have held no correspondence with any member of the general assembly on this subject, since the commencement of its present session; and, in fact, have written only one short note on a different topic to one of them, lest correspondence commenced on other subjects might lead to correspondence on this. This line of conduct had its inconveniences, to which I was not insensible; but I could not depart from it without abandoning the system of action I had prescribed for myself, and involving others in my difficulties. No man, for aught that I have done, stands committed to share my fate: for aught that I have done to draw others to my support, I stand alone, sustained only by the conscious virtue of my motives and purposes, and a confidence in my own firmness to meet and abide the result. I *trust* I am actuated by no false pride, and no vainglorious opinion of my own importance, (for, if I am, the fault is not owing to the want of a most careful self-examination and scrutiny), in thinking and declaring my belief and humble hope that the sacrifice I am making of myself, of all prospects of political honors and distinction in future, and even of the affectionate regards of many whose esteem and confidence I have hitherto enjoyed, may have some slight effect in saving the constitution of my country from violation; saving the senate from subversion, and with it saving the state sovereignties from utter prostration; and even placing the right of instruction itself upon the only stable grounds on which it can be rested, by so guarding it from abuse and misapplication that it may appear to all men's minds an agent of good, worthy to be respected and preserved; not an evil principle, to be eschewed and rooted out.

I see, from the vote of the two houses of the general assembly on the second of the resolutions transmitted to me, that most of my own friends approved the principle therein declared, that it is the duty of the senator to obey, implicitly obey, the instruction of the state legislature, or to resign. All these will, of course, disapprove the resolution I have taken: this is ominous, probably decisive, of the destiny that awaits me. In all likelihood, before the heats that now inflame the public mind shall be extinguished, I shall attain to an age which will render me unfit for any active public service. I have the clearest perception of all these consequences. But I hope I shall be pardoned for saying, that I cannot, and will not, do what I think wrong in principle, and mischievous, fatal in its effects, to comply with the wishes of my friends, and to retain their approbation and support, any more than to avert or escape from the rage of my enemies. I do not pretend to be insensible to popularity, especially to the favor of my native state; but, if I know myself, my love of popularity has its source rather in my own attachment to the people than in the hope or desire of any rewards they can bestow; and I would not betray what I think the interests of Virginia to gain her favor, dear as it is to me. I care for no fame but that which I have little prospect of obtaining—the renown of good and useful deeds, which survives the author of them.

It is proper that I should tell the general assembly and the public that, when I returned home, after the termination of the session of congress of 1834-'5, I had come to a resolution to leave the senate; that I would keep it in my power to take my seat, under my last election to this body, in case an extra session of congress should be called by the president; but that I would resign the office, or (which was the same thing) decline the acceptance of it, at the commencement of the then next session of the general assembly. This resolution, dictated by a sense of the duty I owed my family, was so openly announced, that I suppose it must have been generally known, at least, in the city of Richmond. It was not until the scheme of "instructing me out of my seat" was agitated, after the result of the spring elections was ascertained, that I saw that, if I should decline to take my seat under my new appointment, it would have precisely the same pernicious consequences which would result from a forced resignation, under instructions which *I* could not, in conscience, obey; that I changed the resolution I had previously formed, and determined to accept the appointment, and abide the consequences. I shall hold my seat only long enough to signalize my resistance to what I honestly believe to be unconstitutional instructions. I say now, that I shall, in all events, resign it at the commencement of the next session of the general assembly.

I beg leave, also, to explain the reason that induced me not to divulge the course I intended to pursue, until the final action of the general assembly on the expunging resolutions was announced. I did not think it proper or respectful to the general assembly to invite a contest with it, which it might possibly be not unwilling to avoid, by declaring, in anticipation, that I would not obey such instructions, as I understood were in contemplation, if they should be given me.

I have only to add that, as to the merits of the resolution of the senate of the 28th of March, 1834, which the general assembly condemns—both in respect to the truth of the proposition it contains, and the right of the senate to act upon the subject—these are points which ought properly to be discussed in the senate; and that I shall endeavor to vindicate the resolution, in both aspects, if, and whenever, it shall be brought under consideration.

Praying you, gentlemen, to lay this letter before the two houses of the general assembly in which you respectively preside, I have the honor to be, with all respect, your and their humble servant,

B. W. LEIGH.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

We present our readers, with the index to the last volume. It requires a great deal of extra labor. We shall next week, present them with a supplement. Many arrearages are to be brought up—especially a report from the *war department*, on the present state of the Indian tribes; the showing of the state of the *deposite banks* from the treasury department; the report of the committee of ways and means of the house of delegates of *Maryland*, on internal improvements, &c. and of the committee of the city council of Baltimore, concerning the Baltimore and Ohio rail road.

We give a pretty full report of occurrences in Florida.

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Business has been very lively in Baltimore, during the whole of the present year—and, notwithstanding the severity of the late winter, supplies of foreign goods and groceries were constantly receiving, through the noble aid of the ice-boat Relief. There has been a great crowd of persons from the west. *We must finish the rail road.* Places in the stages, from Wheeling, are taken every day in advance, and at forty-eight dollars for a passage; and from Baltimore to Philadelphia, such was the state of the roads, that fifteen dollars were paid.

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The house of assembly of New Jersey have rejected, by a vote of 14 ayes, to 34 noes, the proposition of the *Camden and Amboy rail road company*, to sell to the state, upon equitable terms, all their improvements.

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Trial at Norristown, Penn.

Joseph Ogilbey, jr. John West Nevins, John Naglee, jr. Ormes B. Keith and *Herman Houpt*, indicted for the murder of George Wilhauer, at Sumneytown, in December last, have been fully acquitted. The trial before judge Fox and his associates, lasted ten days and terminated on Friday last. A paper unanimously signed by the jury exonerated the accused from any censure or blame in the transaction which led to the death of the deceased. They were young men of about twenty years of age, and the sons of respectable citizens. Counsel for the accused, Messrs. Dallas, Miles and Hazlehurst, of Philadelphia, Montgomery, of Lancaster, Freedly, Jelly and Sterigere, of Norristown.

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Thirty or forty dray loads of specie, gold and silver, have lately arrived at the United States bank, in Philadelphia, and much more is expected, to wind up the affairs of the old institution, and establish the new one, on a firm footing.

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The Louisville, Cincinnati and Charleston rail road. The charter of the above rail road company, has passed the senate of Kentucky on Friday last week by a vote of twenty-six to eight! It has been approved by the governor, and become a law.

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It seems that the attempt to negotiate the New York city water loan in Europe, has not been successful.

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The New Orleans Union, of the 18th ult. says:—"While our Northern friends are complaining of great cold, snow banks, fine sleighing, &c. we are sitting very comfortably writing with our coat off, and the window raised."

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Cayuga lake was frozen across at Kidder's ferry, an event unknown to the earliest settlers. The lower Lachine Rapids, on the St. Lawrence, were also frozen across to the head of the nearest island.

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Some of the anti-masons in Massachusetts have made a public nomination of Mr. Van Buren, for president—but of one hundred anti-masonic newspapers in Pennsylvania, only two are said to be in favor of him.

An anti-masonic convention was lately held in *Vermont*, at which S. H. Jenison was nominated for governor, receiving 144 votes out of 163—and Messrs. Harrison and Granger for president and vice president of the United States—the vote for president was as follows—Harrison 87, Webster 28, Van Buren 27, Granger 20, Edward Everett 1; so Harrison had a clear majority of the whole number of 11 votes. On the ballot for vice president, the majority was overwhelming for Granger. A whig convention was in sessson at the same time, and unanimously ratified these nominations.

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It is said the clerks in the public departments at Washington, are about to *strike* for higher salaries.

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Warren bridge is free, and great have been the rejoicings on account of it. As our paper is going to press, one hundred guns are in the act of being fired at Charlestown, Medford, and on the Boston side of the bridge. The only people who seem to regret it are some of the unfortunate individuals who got up the free bridge ticket at the last election, and who find that their "occupation's gone!" [*Boston paper.*

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The "Globe" says—

In reply to inquiries, we have to say that we have reason to believe that should Mr. *Buchanan* be instructed to vote against the expunging resolutions, he will obey or resign.

—

The people of Texas are divided among themselves, and, it is said, that gen. Samuel Houston and col. James Bowie have been displaced from their commands in the army.

—

At the beginning of the present month, *Gideon Blackburn*, D. D. visited *Wheeling*. He crossed the Alleghanies *fifty-three* years ago, when the whole population west of them, was only about 6,000, exclusive of the Indians and French. He is hale and vigorous, and enjoys a green old age.

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The Poughkeepsie wool market. One house in this thriving capital of Dutchess county, New York, has, according to the Journal published there, sold 70,000 lbs. at 63 cts. cash, to a Boston concern; another 10,000 lbs. at 67 cents, and another 15,000 at 65 cents, both to dealers in New York. Still remaining on hand, in town, 100,000 lbs.

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The joint stock speculations of 1835, in England, have been quite as *mad*, comparatively speaking, as those of 1825, which eventuated in the panic. The new companies brought forward, last year, in England, represent a capital of £48,000,000 sterling, or 240,000,000 of dollars! Very many of these will not be paid up. The joint stock companies, in mines, are forty-one, representing a capital of $15,000,000. The lowest capital was that of Carn Gray, a tin mine, $12,500—the highest was Terra Putina (gold) being $2,500,000. There were thirty-five railway companies—about a third of whom will live. These represented a capital of $170,000,000. The highest was the grand northern railway $20,000,000. There were four between Brighton and London—one between Calcutta and Sangor—two through the north of England—one between Windsor and London—one "National Pneumatic"—one through the eastern counties, another through the western, and one "grand Atlantic railway." The miscellaneous joint stock companies were 43, the capitals forming a total of $100,000,000. One was "the British and American steam navigation company"—another, "Pennsylvania coal, land and timber company."

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During the late cold weather, the island of Nantucket had no mail communication with the main land from the 1st to the 27th ult.

Died, on the 7th February, on the Seneca reservation, in Pennsylvania, the celebration chief GAR-YAN-WAH-GAH, or CORNPLANTER, aged about 100 years.

This noble Indian, at an early period of the revolutionary war, took an active part on the side of the Americans in that glorious struggle, and has ever since manifested the utmost friendship for the whites. When solicited by Washington to send some of his young men to Philadelphia, for the purpose of being educated, he sent at the head of the band his son, Henry O'Bail—an evidence of a strong mind overcoming deep rooted and long-existing prejudices.

He, with his associate, Red Jacket, was, for many years, the counsellor and protector of the interest of his nation; and we regret that our sources of information are too limited to furnish the particulars more fully of the eventful life of this "NATURE'S NOBLEMAN."

[*Buffalo Jour.*

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The *Baltimore Chronicle*, (of which the senior editor is a member of the first branch), of Tuesday last, says:

As we anticipated, the joint committee on internal improvements made a report yesterday to the city council. The report and accompanying resolution will be found in to-day's paper—from which it will be seen, that the committee recommend a subscription of three millions of dollars to this important work, without other restriction than that it shall be applied to the extension of the road from the present point of termination. This can occasion no difficulty, inasmuch as the interests of the company as well as those of the public, would seem to require that there should be no chasm in the extension of the road.

The bill on the subject will be reported in a day or two, and we have no doubt of the prompt action of the council. Baltimore will thus have set a bright example of liberality and enterprise, which must secure the completion of this great national work within the shortest practicable period—and we congratulate our citizens on the prospect presented of an extended and lucrative internal commerce by means of this rail road. We yet want a line of packets to Liverpool, to secure a monopoly of the western trade—and we hope that this deficiency will be speedily supplied by the capitalists of our city.

The line of the road, by way of Pittsburgh or Wheeling to Lake Erie, from Baltimore, is much shorter than from any other Atlantic city—so much so, that, at New York they are about to establish a line of steamboats to carry goods, from that place for *the west*, and to make the voyage to Baltimore by sea—our harbor being generally open, or kept so, by the *ice-boat*, in the severest weather. If Maryland and the city of Baltimore, do their duty on the present occasion, it is certain that a large portion of the trade, and a great majority of all the travellers, from and to the west, will, *naturally* centre in and pass though this city.

The *American* of Tuesday, has also the following gratifying intelligence—

Accounts from Harrisburgh announce the passage, through the Pennsylvania house of representatives of the bill from the senate authorising the Susquehannah canal company to cross the river at Columbia, and construct their work on the western side. Various amendments and alterations have been made in it, which will carry the bill back to the senate for confirmation.

In the first branch of the Baltimore council, on Tuesday last, the report of the joint committee on internal improvements, together with the following resolution accompanying it, was taken up for consideration.

Resolved by the mayor and city council of Baltimore, That the mayor be and he is hereby authorised and directed to subscribe to the capital stock of the Baltimore and Ohio rail road company, the sum of three millions of dollars, in the name of the mayor and city council of Baltimore: *Provided*, that the whole sum shall be exclusively applied to the prosecution of the work in an unbroken line from Harper's Ferry, or at such a point near that place as shall be selected from which the extension shall be made.

The report and resolution were concurred in by the following vote:

YEAS—Messrs. Myers, Monmonier, Fenby, Stansbury, Thomas, Yeates, Legrand, Harker, Seidenstricker, Barnes, Mathiot, Tensfield, Scott, Gardner, Fosbenner, Dryden, Russell, Coskerry, King, Wm. J. Cole, Ball, McKinnell—22.

NAY—Mr. W. H. Cole—1. [Mr. Ridgely was absent.]

The report and resolution were subsequently sent to the second branch, where they were concurred in by the following vote:

YEAS—Messrs. Lucas, Fields, Klincfelter, Reany, Schæffer, Ready, Sheppard, Smith, McClellan—9.

NAYS—Messrs. Stuart, Carroll—2.

[Mr. Frazier absent.]

[This vote, with the action of the state, to the amount of *three millions* more, and the aid from *Pittsburgh* and *Wheeling*, (a million), being in all *seven* millions, it is believed will *insure* the making of the road, and at an early day. We congratulate the public on these important events. It will fix the destinies of Baltimore.]

We have the following from the *Gazette* of Wednesday last.

In addition to the above gratifying result, we have the assurance of a number of gentlemen who have been recently at Annapolis and conversed freely with the members of our state legislature, that there is every appearance of an almost unanimous determination to pass the internal improvement bill, substantially, as reported by the committee of ways and means—which, among its valuable provisions, contains one authorising the treasurer to subscribe on behalf of the state to the capital stock of the Baltimore and Ohio rail road company the sum of three millions of dollars, and another provision as one of the conditions for subscribing a like amount to the capital stock of the Chesapeake and Ohio canal company—"that the rail road company shall be released from the stipulation not to proceed with the construction of its rail road in the valley of the Potomac river above Harper's Ferry, until after the canal company has finished its canal to Cumberland." Other useful and necessary provisions are also contained in this important bill, to release the rail road company from stipulations which prevented the use of steam engines along the Potomac between the Point of Rocks and Harper's Ferry, without incurring a heavy expense—for which is substituted a provision that will be equally beneficial to the canal company, and cause no inconvenience and only a small expense to the rail road company.

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The Pittsburgh Times, adverting to the improvement bill, well and truly observes—"Pennsylvania will still go on—and before seven years will be the first, and continue forever the first state in the union if we be faithful to ourselves. Nature has made us the key and head of the arch; and nothing but folly can make us second to any state."

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The bill for improving the navigation of the Wabash river, heretofore vetoed by the president, again passed the senate on Thursday—Mr. Robinson, of Illinois, expressing a hope that "the president's eyes might be opened, and that he might see that he had been in the wrong."

[*Alex. Gazette.*

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Incendiary attempts of the boldest character are still made in Boston. The common council have, by vote, placed $10,000 at the disposal of the mayor to be expended for the discovery, arrest and conviction of the miscreants.

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A master tailor of New York, in one year, paid one journeyman $1,498 for work—another master avers that, in forty-five weeks he paid one journeyman $1,945.

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Eighteen new steamboats have been built at Pittsburgh during the past winter. We learn, also, that the same spirit in boat building has prevailed at Wheeling during the same period.

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On the subject of distributing the proceeds of the sales of the public lands, among the states, the New York American says—

Is it not best for the general good—for the prosperity of the states—the harmony and purity of congress, disturbed and tempted by multitudes of projects to absorb the excess in the treasury—and for the safety of the vast treasure itself—which once paid into the vaults of the western and south western deposite banks may be as difficult to evoke, as "spirits from the vasty deep," though our *glendower* should call never so loudly—would it not on all these accounts be best, that Mr. Clay's land bill should pass? We speak not now to mere politicians, but to men of common sense, and right and honest intentions. To New Yorkers in particular, is it not most desirable, when their treasury is bankrupt, and taxation inevitable if good faith is to be preserved, that a bill which would give them in hand, of arrears, *one million and a half of dollars*, and furnish them during its term as a law with *half a million* per annum should pass?

Nor is it needful in order to accomplish this result, that any proper and specific appropriations for defence, should be neglected. We certainly hope and desire that an increase may be provided for in the rank and file of the army—and that the engineer corps be augmented; that *large* appropriations be made for the navy, so as to add to our squadrons on all *foreign stations*, and to keep one of considerable force always a float and in activity on the *home station*, and also for the construction of steam vessels of war: and finally, that as much money be voted for the fortifications built and building, as can be spent with advantage and without extravagance. Thus much we owe to our own respectability, to the past, and to the future. But when all this is provided for—such is the impulse of all business, that the accumulations in the treasury will far outrun our wants, and it is therefore most desirable that one prolific source of supply, that from the public lands, should be diverted to the states.

And the "Berks and Schuylkill Journal" observes—

The report of the committee of the United States senate on public lands, on the bill to appropriate the proceeds of the public lands among the states, is one of the greatest importance before the nation; now that the question of war or peace may be considered as settled and the chartering of the U. States bank, has relieved the public mind from the apprehensions of pecuniary embarrassment likely to be produced by the withdrawal of its extensive capital from circulation. The report presents a plain, dispassionate and statesmanlike view of the subject in which the various projects for the disposition of the surplus revenue, arising from the sale of the public lands, are very judiciously examined and decided upon. It will be seen that the amount of such surplus revenue, at this time, exceeds twenty millions of dollars, and that of this sum if divided among the states to whom it belongs, the share of Pennsylvania would amount to more than *two millions*. The anticipated revenue from the same source is computed at $10,000,000 per annum, of which the proportion of our state would exceed one million annually. What a fund of public prosperity is implied in the possession of such a revenue. What bounds could be assigned to our internal improvements? Applied to the creation of a sinking fund, how soon would it pay off the state debt? Employed as a means of disseminating education, what corner of the commonwealth is so remote, what valley so dark as to be inaccessible to the lights of instruction which it would be capable of diffusing? Is there partizanship enough in Pennsylvania to reject this benefit, because the measure originates with Henry Clay? Will our members in congress dare to vote against a measure which will enrich their constituents, and infringe in no degree upon any right, and will they be applauded for their course, and be sent back again to guard the people's pockets against the reception of their own treasures? We shall see.

APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.

Roger B. Taney, to be chief justice of the United States.

Phillip P. Barbour, to be an associate judge of the U. States.

Amos Kendall, to be postmaster general of the United States.*

Andrew Stevenson, of Virginia, to be minister to G. Britain.

John H. Eaton, to be minister to Spain.

Arthur Middleton, to be secretary of legation to Spain.

Richard K. Call, to be governor of Florida, *vice* J. H. Eaton.

Thomas Holden Stevens, to be a captain in the navy from the 27th January, 1836.

Samuel L. Breese and Benjamin Bage, jr. to be masters commandant in the navy from the 22d Dec. 1835.

Mifflin Coulter, to be a surgeon in the navy from the 22d December, 1835.

Alexander J. Wedderburn, to be an assistant surgeon in the navy from the 22d December, 1835.

ILLINOIS AND MICHIGAN CANAL.—The construction of this canal, which is to commence at Chicago and strike the Illinois river near the mouth of the little Vermilion river, is to be undertaken immediately.

The natural obstacles to this work are so slight, that even now, when the streams are full, the head waters of the *La Plata* river, which runs into the *Illinois*, almost touch on a level those of the Chicago river, running into Lake Michigan.

The state of Illinois has by law authorised the issue of a *six per cent.* stock, redeemable after 1860, to the amount of *half a million of dollars*, in order to aid this work. It will, when completed, make an unbroken inland water communication from New York to New Orleans.

A WHOLE FAMILY FOUND FROZEN TO DEATH. The Haverstraw Times, gives the appalling details of a most melancholy event in the vicinity of that town. On Saturday, as a person had made his way into the mountains, which have been inaccessable until the late moderate weather, he found, after passing the Orange county line, a man in a sitting posture near the cabin. On approaching him, it was discovered that he was frozen to death, with a wooden shovel in his hands with which he had evidently been laboring to open a passage from his snow bound habitation. The traveller then entered the cabin and found on the floor the frozen body of a middle aged woman and two children. The neighbors were then raised—the nearest living at the distance of a mile and a half—and upon examining the house, it was found that every particle of food and fuel had been exhausted, and the whole family, without doubt, had fallen victims to the combined horrors of cold and hunger. The father probably endeavoring to make his way to a pile of wood at a little distance, and had perished in the very midst of the attempt.

The "Times" describes the sufferings of the poor people in the mountains, now first revealed by the giving way of the snow, as being of the most intense description. [*N. Y. Courier.*

THE TAMPICO EXPEDITION.—We learn from the New Orleans Bee of the 27th ultimo, that the United States district attorney for that district, has been ordered (it is not stated by whom) to institute a crimical process against Mr. William Christy, as having been engaged in transporting volunteers to Texas. The motive of this prosecution is supposed to be the serious charge brought against Mr. Christy, in the several letters that have been published, written by the unfortunate men who were shot at Tampico, to their relatives in various parts of the U.

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*The preceeding appointments were made on Tuesday and Wednesday. The injunction of secrecy being taken off, the following particulars published have some interest.

Mr. *Taney* was nominated on the 28th December last, and ratified on the 15th March, as follows—

The question being put, "Will the senate advise and consent to the appointment of R. B. Taney as chief justice of the supreme court of the United States," it was decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Davis, Ewing, of Illinois, Grundy, Hendricks, Hill, Hubbard, King, of Alab. King, of Ga. Linn, McKean, Moore, Morris, Nicholas, Niles, Prentiss, Rives, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Walker, Wall, Wright—29

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Ewing, of Ohio, Leigh, Mangum, Naudain, Porter, Preston, Robbins, Southard, Tomlinson, Webster, White—15.

The senate then proceeded to consider the nomination of Philip P. Barbour.

Mr. *Webster* offered the following amendment:

Resolved, That it is inexpedient to act upon the nomination of P. P. Barbour as a justice of the supreme court, until it shall be ascertained whether the number of judges of the said court shall be altered by any law of the present session of congress.

The question being put, was decided as follows—yeas 16, nays 26.

The question then being, "Will the senate advise and consent to the appointment of P. P. Barbour as a justice of the supreme court of the United States?" it was decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Crittenden, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, Hill, Hubbard, King, of Alabama, King, of Georgia, Leigh, Linn, McKean, Morris, Nicholas, Niles, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, Wall, White, Wright—30.

NAYS—Messrs. Black, Davis, Ewing, of Ohio, Mangum, Naudain, Porter, Prentiss, Robbins, Southard, Swift, Webster—11.

The nomination of Amos Kendall was then taken up for consideration; when

Mr. *Crittenden* moved that the senate now adjourn, and the question being taken, the yeas were 15, nays 25.

The question being, "Will the senate advise and consent to the appointment of Amos Kendall to be postmaster general?" it was decided (the yeas and nays being demanded by Mr. *White*), as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, Hill, Hubbard, King, of Alabama, King, of Georgia, Linn, McKean, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, Wright—25.

NAYS—Messrs. Black, Ewing, of Ohio, Leigh, Naudain, Preston, Southard, White—7.

On the last ballot only 32 senators were present.

States. As an act of justice to Mr. Christy, we subjoin the conclusion of the article in the Bee:

"We are assured the more minute the investigation, the less reason will there be to suspect him of any unworthy part; and the more will his honorable conduct be properly appreciated by his fellow citizens. It can be demonstrated—nay, it has been—that he had no connection whatever with the expedition under gen. Mejia to Tampico.

But it is hoped that this suspicion and unfounded accusation will teach a lesson of policy and forbearance to him and all other generous and spirited citizens, as regards the present struggle of the Texians. These are now so divided among themselves, that the provisional government has displaced general Samuel Houston and col. James Bowie from their commands in the Texian army. Dangers will wait on such dissensions, and it is much preferable that our citizens should be just toward Mexico while being generous toward Texas, rather than really or ostensibly violate the national faith, and endanger the commerce of New Orleans."

New Hampshire.—The general election in the state of New Hampshire took place on Friday last. *Isaac Hill* (now a senator of the United States) is elected governor of the state, without any regular opposition.

Rhode Island. The whig convention, which sat in Providence in January last, appointed a committee to select candidates for state officers, and that committee have just reported the following ticket, viz: For governor, *Tristam Burges*; lieutenant governor, *John H. Cross*; with nine highly respectable gentlemen for the senate.

New York, *March* 12. We have long been apprehensive that some accident would happen from the neglect of the corporation to order the burnt walls to be taken down. Yesterday afternoon three persons were killed, and two severely wounded, by the falling of the wall of the store belonging to Mr. Peter Lorillard, in Water, near Wall street.

Mr. Fox, his Britannic majesty's minister plenipotentiary and envoy extraordinary to the United States, arrived at the seat of government on Sunday evening last, in the rail road line from Baltimore,

Mexico. Among the passengers in the Montezuma at New York from Vera Cruz, is commodore *Lopez*, the head of the Mexican navy. A letter from the American consul at Vera Cruz, says—"The object of his visit, it is said, is one of public duty, appertaining to his station; and may we hope that he will meet at the hands of our countrymen those civilities and attentions which his virtues and merits as a gentleman entitle him to receive."

The measures adopted by the government of Mexico, indicate a determination on its part to put down the revolutionary movements in Texas. From the satements put forth in the *Luz*, an opposition paper, published in the city of Mexico, of the strength of Santa Anna's expedition, it appears, that he left San Luis with 3,500 infantry, 400 cavalry, and 12 light pieces of artillery, which, added to the 1,600 men of which Sesma's division is composed, make in all 5,500 men. An army of reserve has begun to assemble at San Luis Potosi and Metamoras, to be composed it is stated of a similar force.

Little Rock, (Ark.) Feb. 19. We are informed that the inhabitants of that portion of this territory south of Red River have, in fact, separated from the government of Arkansas and of the United States, and are taking measures to incorporate themselves with Texas. Judge Ellis, James Clark, esq. and Mr. Carson, late of North Carolina, are among the delegates to the Texian convention. We are sorry for it—for we look upon it as a most rash and unadvised step. Texas is at present in a state of anarchy. She cannot be aided by the United States, unless in violation of solemn treaties. If she become independent, she must either be attached to the United States, or become one of those little petty independencies, without either means, national standing, dignity or power; never any thing more than nests of pirates. If her citizens have any hopes of ultimate prosperity and happiness, those hopes are founded solely on the prospect of hereafter becoming a part of these U. States. The republic of Texas, by itself, would be nothing among nations. Why then leave our great republic, and become a part of that which is no government, and where their only hopes will rest on again obtaining what they are now throwing away? [*Advocate.*

The public lands. The resolutions instructing the senators from Pennsylvania to vote for Mr. Clay's land bill have passed a third reading in the senate of that state by a vote of 25 to 7. If the legislature of Pennsylvania had any right to instruct, they could not be better employed.

A good bank. *Westchester, Penn. March* 8, 1836. Five hundred shares of stock in the bank of Chester county, sold yesterday, in this borough, at public auction, at an average price of $80 12½ per share. The price of this stock to original holders, is thirty dollars. Let those merchants and others who are complaining of money being scarce in Philadelphia and N. York, come to West Chester. [*Register.*

AFFAIRS IN FLORIDA, VARIOUS &c.

Charleston, March 8—4½ *P. M.*

FROM FLORIDA.

Battle with the Indians.

The schooner *S. S. Mills*, capt. Southwick, arrived here yesterday morning from St. Augustine, furnishing us with the *Herald* of the 2d inst.

It will be seen that gen. *Gaines* had encountered the Indians in considerable force near the Wythlacoochee.

The particulars of the engagement, is given in the following letters from our correspondent, dated

St. Augustine, March 5.

Dear sir: I have purposely refrained from transmitting you any account of the Seminole campaign, as the various contradictory statements in regard to the movements of the enemy until within a few days since, did not deserve notice, and were too brainless to be credited. The simple fact, however, that St. Augustine, Jacksonville, Picolata, Camp King, Tampa and Key West, have been for such a length of time kept in a constant state of alarm, and each momently dreading an attack, is evidence of talent never before displayed by Indians—*conduct* they always did exhibit—but that a body of fifteen hundred or two thousand men, should make such demonstrations, and such dispositions of their forces, is like the massacre of major Dade—unparalleled. We knew that they must be concentrating on some point, and so the result has proved. You are aware that gen. Gaines approached within four or five miles of Fort Drane—took eight days provisions, and returned to the Wythlacoochee, for the purpose of discovering whether any Indians were on the prowl. On arriving at the stream his passage was disputed by a body of savages, amounting it is surmised to fifteen hundred—a fight commenced across the river, which, although narrow, is deep and rapid—and continued two days, neither party gaining any material advantage. The third day gen. Gaines retired, and threw up a breast work—after which he advanced to the river with two hundred men, recommenced the skirmish, and then retreated with a hope of deceiving his enemy, and decoying them into an ambush. After dark on the same day, the entire body of Indians, now largely reinforced by the arrival of scattering squads, crossed the river and had the bravery to attack him in his trenches. The stratagem was thus successful—the cannon opened upon them, and played with such effect, that it is presumed three hundred Indians and negroes were killed. I say presumed, as it is not known whether that number was destroyed in the single engagement, or in the entire rencontre. When the cannon opened, the savages began a "terrible howling," and no wonder, for I am told that all the trace chains belonging to the wagons were used instead of balls, and literally mowed them down like grass beneath the scythe. Two of our officers were wounded in that engagement—one of whom, it is understood, has since died. Gaines has since sent in to Clinch for provisions; but afterwards countermanded the order, as the Indians would capture the wagons. He is understood to be *surrounded*. His provisions must be gone—and unless a reinforcement has been sent by Scott, his fate, and that of his gallant army, *are sealed*.

I was in camp—between this and Hanson's—when Prince, the express, came in; the Indians having attacked him in true military style, within eleven miles of this, and ordered him to the "right about," with a shower of fifteen or twenty bullets. The top of his cap was literally shot away, and several balls passed through his coat. A detachment from lieut. colonel Hewitt's battalion was on this morning ordered out to skin the country, and cut up the varlets "like a gourd."

St. Augustine, March 5, 10 *o'clock—night.*

Dear sir: The express, Munroe, came in to-day from Picolata, with despatches; but nothing further is heard from general

Gaines. One hundred and forty men from the country adjacent to the Wythlacoochee had gone to join him—and cattle, to what amount I do not know, had been driven down at the same time.

The officer supposed to be dead, or mortally wounded, is lieut. Izard.

I was wrong in saying that Gaines had approached Fort Drane—it was Camp King.

Forty horsemen left here about dark to scour a place called Turnbull's swamp; and also to assist the detachment from Hewitt's battalion.

The troops from Darien have returned home.

From the National Intelligencer.

The news from *Florida*, received yesterday, is, we are sorry to say, any thing but agreeable.

There is said to be a want of good understanding, which was but too justly apprehended, between the two general officers, major gen. *Scott*, who was ordered to take command of that military ground, and maj. gen. *Gaines*, who repaired thither, by way of Tampa Bay, from New Orleans, on learning the state of things in Florida. The old question concerning the relative rank of these distinguished officers seems to have unfortunately led to practical results, already unfortunate, and which may in the end be disastrous. We know nothing of the merits of this question, nor do we mean to censure any one for what has taken place. The collision of the authority of these officers has been accidental. We trust that there may be in the end no reason to deplore it. Our business at present is only with facts, as we understand them.

Letters have been received in this city from authentic sources in Florida, which states that general *Gaines* had not, on his reaching the military stations at which he aimed on marching from Tampa Bay, joined general *Scott*, but, with the troops under his command, had marched in a different direction, in pursuit of the Indian force. On the 28th of February, in reconnoitering on the Wythlacoochee, about two miles west of gen. *Clinch's* battle-ground, he was fired upon by the Indians, who met him in considerable force; and the conflict which then took place resulted in the death of two of the Louisiana volunteers, and ten regulars and volunteers wounded. On the next day, (the 29th), while prepairing a small work to command the ford across the river, he was attacked at 10 o'clock A. M. on three sides of his camp. The attack lasted two hours. The Indians were repulsed eventually with considerable loss, there being of the United States troops one sergeant killed, and one officer and ten regulars wounded, and of the volunteers one officer and twenty privates wounded. The Indian force was supposed by general Gaines to amount to 1,500, his own command numbering more than a thousand.

It was understood that gen. *Gaines* would not move from the position in which he had intrenched himself, until he heard from gen. *Clinch*, to whom he had written, requesting supplies and mounted force.

In connexion with the above information, it is proper to state that major general *Macomb*, commander-in-chief of the army, left this city on Sunday for the seat of war in *Florida* with authority, as is understood, to take command himself, should he think it necessary, but not to supersede gen. *Scott* in the special command assigned to him by his orders, unless he (general *Macomb*) be of opinion that circumstances require him to do so.

The following is the only letter of confirmation received since our publication of Tuesday. The *Washington Globe* of yesterday says:

By the official reports received at the adjutant general's office yesterday, from major gen. *Scott*, we learn that the force which marched from Tampa Bay, under major general *Gaines*, while reconnoitering on the Wythlacoochee, near general *Clinch's* battle ground, was met by a considerable number of hostile Indians, on the 28th of February, and a slight skirmish took place, which resulted in the loss of two Louisiana volunteers killed, and ten regulars and volunteers wounded. Lieut. *Izard* of the United States dragoons, was among the wounded.

Whilst making preparations to cross the Wythlacoochee, on the 29th February, a spirited attack was made on general *Gaines'* camp by the Indians, who were repulsed with very considerable loss. The general states that the officers concur with him in opinion that the enemy's force amounted to not less than 1,500. Of gen. *Gaines'* command (supposed to consist of ten or eleven hundred men) there was, on the 29th, one sergeant of the regular army killed, and one officer (lieutenant *Duncan* 2d artillery), and ten privates wounded. Of the volunteers, there were one officer, and twenty privates wounded.

Extract of a letter received in Charleston, from an officer in the U. S. army, dated

Fort Drane March 1.

"Circumstances which I could not control prevented my arriving here until the evening of the 25th ult. when I learned that gen. Clinch had the morning before left Fort King to see gen. Gaines. The next day gen. Clinch returned here, informing us that gen. Gaines with 1,000 men, about one half regulars, the rest volunteers from Louisiana, had moved from Fort King, about 8 that morning (26th) with the design of returning to Tampa Bay, via Wythlacoochee. Upon reaching that river, near an old crossing, while gen. Gaines and gen. Smith were reconnoitering the river in person, they were fired upon by the Indians, who were strung along the banks for two miles; a fight ensued across the waters. Gen. G. had two killed and several wounded, lieut. Izard badly, capt. Sanders, late sutler, and capt. Armstrong of U. S. schooner Motto; we heard the cannon here for two days. Yesterday morning, an express arrived from gen. G. to gen. C. requesting more men, provisions, ammunition, &c. we still continue to hear firing, and this morning another express arrived, stating that gen. G. had entrenched himself while he was preparing boats, bridges, &c. gen. Gaines writes himself, that yesterday morning, (29th) at 10 o'clock, the Indians force, believed to be 1,500 strong attacked two sides of his encampment and approached so near by his lines, as to wound men upon the opposite line, a distance of 200 yards. The attack lasted two hours, when the enemy were repulsed. Lieut. Duncan is among the wounded, 10 in number and 1 or 2 killed in the last attack.

Gen. Clinch has only about 450 men around him, 200 of these volunteers. Col. Bankhead we learn is on the march here from Picolata with some 400 volunteers. Gen. Eustis is east of the St. Johns, and gen. Scott at the last accounts was at Picolata, I think however he will be here before many hours. No supplies of any kind have reached this post yet, but we are in hopes they will soon, as there is much anxiety, as well as much necessity, to move down to the aid of gen. Gaines. The wagons were all sent down to Picolata on the 28th for provisions, some one or two small carts. They were despatched before day this morning with ammunition and a few stores and 25 head of beef cattle to gen. Gaines, but upon receiving the express this day at 12, a message was sent after to order them back, as the Indians would assuredly get them. Gen. Gaines when he left Fort King had but 10 days rations, and those gen. Clinch took up from this place, leaving but little here. The weather is becoming very warm.

From the Savannah Georgian, 9th instant.

We are indebted to a friend for the following copy of a letter from an officer of the army at Fort Drane, to a brother officer at Picolata, received here by the Santee on Monday.

Fort Drane, Florida, March 1, 1836.

"Gen. Gaines left Fort King on the morning of the 26th ult. On the 27th, he reached the Wythlacoochee near gen. Clinch's battle ground. Whilst reconnoitering the river he was fired on from the opposite bank. One man was killed and some five wounded. On the 28th the battle continued across the river—one killed and several (say 7 or 8) wounded—among them lieutenant Izard, of the dragoons. On yesterday the Indians attacked them in their encampment about 10 o'clock, A. M. The battle lasted two hours. One sergeant killed—wounded, one officer, (lieut. Duncan), and 10 men, regulars. Of the volunteers, 1 officer and 10 men wounded. He wants reinforcements, provisions and ammunition.

"It is indeed harrowing to the feelings to think that we are within 35 miles (by the road) and cannot join for want of supplies and means of transporting them."

In addition to the above, we learn that eight guns were discharged at the Santee, while coming down the St. Johns, and about 25 miles above Picolata, by a party of Indians, four of whom were distinctly seen. One of the balls perforated one side of the cabin and lodged in the opposite side, without injury to any one.

General Gaines' command.

The following extract of a letter from an officer of the U. S. army, written on the 12th ult. from Tampa Bay, exhibits the force under gen. Gaines.

Our command amounts to, say about 1,100, and 120 friendly Indians, consisting of 4 companies of U. S. artillery, 7 companies of the 4th regiment U. S. infantry, a detachment of U. S. marines, and the regiment of Louisiana volunteers, major gen. Gaines, commanding, col. Twiggs commanding brigade, col. Foster, 4th regiment infantry, col. S. F. Smith, Louisiana volunteers, major Belton, the artillery, lieutenant Waldron, the marines, and Holate Emartlia, chief of the friendly Indians.

[*Ibid.*

Fort King, Florida, Feb. 22, 1836.

General: Agreeably to your directions, I observed the battle ground six or seven miles north of the Wythlacoochee river, where major Dade and his command were destroyed by the Seminole Indians on the 28th of December last, and have the honor to submit the following report:

The force under your command which arrived at this post to-day from Tampa Bay, encamped on the night of the 19th inst. on the ground occupied by major Dade on the night of the 17th of December. He and his party were destroyed on the 28th of December, about four miles in advance of that position. He was advancing towards this post, and was attacked from the north, so that on the 20th inst. we came upon the rear of his battle ground about 9 o'clock in the morning. Our advanced guard had passed the ground without halting, when the general and his staff came upon one of the most appaling scenes that can be imagined. We first saw some broken and scattered boxes; then a cart, the two oxen of which were lying dead; as if they had fallen asleep, their yokes still on them: a little to the right, one or two horses were seen. We then came to a small enclosure, made by felling trees in such a manner as to form a triangular breastwork for defence. Within the triangle, along the north and west faces of it were about thirty bodies mere skeletons, although much of the clothing was left upon them. These were lying, almost every one of them, in precise-

ly the position they must have occupied during the fight—their heads next to the logs over which they had delivered their fire, and their bodies stretched with striking regularity parallel to each other. They had evidently been shot dead at their posts, and the Indians had not disturbed them, except by taking the scalps of most of them. Passing this little breastwork we found other bodies along the road, and by the side of the road, generally behind trees which had been resorted to for covers from the enemy's fire. Advancing about two hundred yards further, we found a cluster of bodies in the middle of the road. These were evidently the advanced guard, in the rear of which was the body of major Dade, and to the right, that of captain Fraser.

These were all doubtless shot down on the first fire of the Indians, except, perhaps, captain Fraser, who must, however, have fallen very early in the fight. Those in the road and by the trees, fell during the first attack. It was during a cessation of the fire that the little band still remaining, about thirty in number, threw up the triangular breastwork, which, from the haste with which it was constructed, was necessarily defective, and could not protect the men in the second attack.

We had with us many of the personal friends of the officers of major Dade's command, and it is gratifying to be able to state that every officer was identified by undoubted evidence. They were buried, and the cannon, a six-pounder, that the Indians had thrown into a swamp, was recovered and placed vertically at the head of the grave, where it is to be hoped it will long remain. The bodies of the non-commissioned officers and privates were buried in two graves, and it was found that every man was accounted for. The command was composed of eight officers and one hundred and two non-commissioned officers and privates. The bodies of eight officers and ninety-eight men were interred, four men having escaped; three of whom reached Tampa Bay: the fourth was killed the day after the battle.

It may be proper to observe, that the attack was not made from a hammock, but in a thinly wooded country; the Indians being concealed by palmetto and grass, which has since been burned.

The two companies were captain Fraser's of the 3d artillery, and captain Gardiner's, of the 2d artillery. The officers were major Dade, of the 4th infantry, captains Fraser and Gardiner, second lieutenant Basinger, brevet second lieutenant R. Henderson, Mudge and Keais, of the artillery, and doctor J. S. Gatlin. I have the honor to be, with the highest respect, your obedient servant,

(Signed) E. A. HITCHCOCK,
captain 1st infantry, act. insp'r general.

Maj. gen. Edmund P. Gaines, com. western department, Fort King, Florida.

Extract of a letter from a young officer of the army to his correspondent in Washington, dated Fort Drane, Lang Syne, Florida, February 24, 1836.

"My last letter to you was dated from Tampa Bay, and I am now at gen. Clinch's plantation. We left Tampa on the 13th inst. and have marched across the country to this post without having the pleasure to meet a single hostile Indian. When we left the bay, general Gaines did not contemplate proceeding as far as Fort King; but, on our arrival at the battle-ground where poor Dade's command was butchered, our provisions were scarce, and we were forced to continue on, for the purpose of procuring supplies. Upon arriving at Fort King, however, we found the garrison there unable to furnish us with more than one day's rations, and were therefore forced to come here, a distance of twenty-four miles, to get something to eat. The artillery and volunteers were left at fort King, and the 4th infantry was sent to procure provisions. We return this morning, and shall probably start the day after to-morrow for some of the Indian villages, with the view of hunting the boys up. On our arriving at the battle-ground, we found the bodies of the dead lying generally as they were shot. We had the melancholy pleasure of burying them. I counted the skulls as they were thrown in, and there were 98 soldiers and 8 officers. The officers were recognised by different signs and marks about them. They were fully identified. Three graves were dug, and the bodies interred therein. We of the regulars marched around the graves to the dead march, and then they were covered over. Poor fellows! There was not one among us who did not resolve to revenge them; and only give us a chance, and we will fulfil our determination. We saw signs of Indians on our route, but they themselves kept out of the way. We shot some cattle and hogs, and caught some horses as we came along. We also burnt some small deserted villages. In one of these we found corn, rice, and beans enough for one day, which was of material assistance to us."

[OFFICIAL.]

Head quarters, 2d reg't mounted volunteers,
Near Fort Drane, Jan. 13th, 1836.

SIR: In obedience to your order of the 10th inst, I proceeded to scour the country in the neighborhood of Stafford's. Finding but few tracks going in the direction of the nation, I concluded that the Indians seen at Stafford's, a few days before, were in our rear. On our return march yesterday about 4 o'clock, and when near the house of Mr. Curry, a large smoke was seen rising in the direction of Wetumkee. We were on the march at half speed to ascertain the cause, when the advance guard, under lieutenant Bannerman, and captain Bellamy's company, which was also ordered in advance, were fired upon by a party of Indians. The battalion, at increased speed, was hurrying to their support, and was within a half mile of them, when the Indians opened a severe fire on our rear and each flank at the same time. The battalion was immediately dismounted, and charged the enemy, which fled, firing as they did so, to a hammock. Not knowing the strength of the party against which captain Bellamy and lieutenant Bannerman were contending, who were still firing at the distance of a mile or less from us, I deemed it prudent not to enter the hammock until I could ascertain that fact; and with that view, despatched my adjutant; but before he reached the point where the attack was made, capt. B. and lieut. B. (who behaved very gallantly) had routed the enemy, and the firing had ceased. In a short time they united with us; but it was then too late to enter the hammock, the sun being only fifteen minutes high. We therefore took our position in rifle shot of the hammock, and returned a brisk fire, which was kept up by the Indians until dark, when we returned to the top of the hill, and rested upon our arms until daylight.

During the night they left the hammock, and, I suppose, from the direction of the trail which we followed some distance this morning, they had returned to the nation.

Captain Alston, commanding the left company when the attack was made, supported himself and sustained the attack in a gallant manner, until he was joined by captain Caswell's company, when the charge was made. Capt. Caswell was firm and brave; major Sam'l Reid conducted himself throughout the action in the most gallant manner, always at his post. Adjutant Shehee is entitled to the highest commendation for the cool and gallant manner in which he discharged his duties; and Dr. Mitchell was cool and attentive to his duty.

I feel it due to the greatest portion of my command to say, they acquitted themselves to my entire satisfaction.

The following is the return of the wounded:

Lieut. Smith, of captain B's company, slightly wounded; ——— Davis, a private, severely wounded; ———McRany, of captain C's company, slightly wounded.

The loss of the enemy was (as reported to me) as far as ascertained, six; their wounded must have been considerable.

I have the honor to be, very respectfully, your ob't serv't.

H. C. PARISH,
col. com. 2d reg't mounted volunteers,

Gen. *D. L. Clinch*, commanding.

Pensacola, Feb. 20.

We learn that a court of inquiry ordered by gen. *Clinch*, at the instance of col. *Parish* at Fort King, have unanimously acquitted col. P. of all improper conduct in the unhappy occurrence which caused the death of lieut. Ward. We have examined the proceedings and testimony of the court, and are satisfied that the shooting of lieutenant *Ward* was a melancholy, painful necessity, imposed on col. P. not only by the rules of military discipline, but by a still higher principle—the principle of self-preservation. He ordered lieutenant Ward to be arrested. Lieut. W. resisted the order—used offensive language to col. Parish, and armed with three pistols, one of them cocked and presented, stood out in open defiance, and declared that he would shoot down the first man who attempted to execute the order. Much of the testimony goes to show that lieut. W. was in the act of presenting his pistol at col. Parish when the latter shot him. We are informed that much excitement against col. Parish exists about Tallahassee, but there can be no doubt that, so soon as the facts are made known, the excitement will give way to unqualified approbation of his conduct. In the bereavement which the family of Mr. Ward has suffered, all must sympathize, and none, we feel assured, from a knowledge of col. Parish, will sympathize with them more deeply than he. The deceased was a brother of Geo. Ward, esq. of Tallahassee. The following is the finding of the court of inquiry:

"The court having patiently and carefully examined all the witnesses who were named to them, and investigated fully the causes which led to the death of lieut. William Ward, of the volunteers, proceed, in obedience to the order instituting the court, to give its opinion thereon.

"The court is of the *unanimous* opinion that lieut. William Ward was killed by R. C. Parish; the said col. Parish being in the legal execution of his office; and that he is fully justified, from the circumstances of the case, in doing so.

"It would be impossible to conceive a case which would more entirely justify an officer in command in taking the law into his own hands. His legal and necessary authority as commanding officer was defied and resisted; he took the usual and legal military means to repress resistance by ordering the arrest and confinement of lieut. Ward, his seizure and disarming repeatedly: no one would obey his order. He was obliged, therefore, to execute the order himself, and in doing so his conduct is fully justified in the opinion of the court.

"C. M. THURSTON, capt. 3d artillery, president.

"*Horace Brooks*, brevet 2d lieut. and recorder."

ORDERS—NO. 1.

Head quarters, army of Florida, Picolata, Feb. 22, 1836.

Major general Scott, having arrived in Florida, assumes the general direction of the war against the hostile Seminole Indians.

The staff officers attached to general head quarters, at present are capt. Canfield, (topographical engineer); lieut. Chambers, (chief of the commissariat); and lieut's Van Buren, Tem-

ple, and Johnston, aids-de-camp. All orders and instructions, conveyed by either of them in the name of the major general, and whether orally or in writing, will be duly obeyed.

The right and left wings of the army, or the troops on the west and east side of the St. Johns river, will be continued under the respective orders of brigadier generals Clinch and Eustis, and the forces which are to operate from Tampa bay under col. Lindsay, will, when they come into line, constitute the centre. The wings will soon be greatly reinforced by the arrival of both regulars and volunteers.

The three immediate commanders of the right, left and centre of the army, respectively, will generally receive orders direct from general head-quarters; but, of course, every junior will obey every senior according to the rules and articles of war, and the usages of the service, whether the parties belong to the militia, or to the militia and regular army.

As, for the first time, patriotic volunteers from South Carolina, Georgia, Alabama, Louisiana and Florida, are to come into the same line, with a portion of the regular army, it is confidently hoped that a beneficial emulation, without unkindness or prejudice, may animate the different forces. All are equally Americans, actuated by the like determination, to subdue a treacherous and a common foe.

But valor and patriotism alone are not sufficient for that end. Some tactical instruction and an exact obedience to commands are also necessary. Instruction can only be required by opportunity and labor. A firm resolution *to obey*, accomplishes the other great requisite at once. Let the resolution, then, be promptly taken by all who have nobly turned out to avenge their butchered countrymen.

But again;—to parade, to march, to mount guard and to fight, are not the only duties of war. To handle and preserve the supplies of the army, and to construct camp and other field defences, are equally required of every good soldier. A corps of servants for these purposes, would be too large and cumbrous. It would double the army and render one half too *mean*, and the other half too delicate, for the glory of a well contested field. Fatigue parties, must, therefore, when wanted, be furnished by all the corps in their turn, and proportionally.

St. Augustine, March 6.

Captain Elmore's company of S. C. volunteers and lieut. Irving's company of U. S. artillery, accompanied by captain Canfield, U. S. T. E. lieut. Brumby, sailed on the 27th February, in the steamboat Santee, to establish a depot at Volusia. On the return of the steamboat she was fired upon by a party of six Indians about five miles above Pylatka. One of the balls lodging in the captain's birth. The fire was returned by those on board, but without effect. This no doubt is the same party who took the two negroes prisoners, on Saturday last, as it was but a few miles from their encampment, and only two days afterwards.

General Bull, of the S. C. militia, arrived in town on Sunday last, and immediately assumed the command of his brigade.

We regret to learn that the measles had broken out in capt. Parker's company of S. C. volunteers, stationed at St. Joseph's. Twenty-six cases had occurred; but we are happy to state that they are all convalescent.

The steamboat Dolphin, capt. Pennoyer, with two companies of U. S. troops under the command of major Kirby, sailed on Tuesday last to take post at Williams' plantation, on the Halifax river, for the purpose of establishing a depot there.

We are informed that seventy wagons are waiting at Picolata, to convey provisions to gen. Clinch, whose supply had been much diminished by the quantity taken by gen. Gaines, from Fort Drane.

A mounted regiment of S. C. militia, may be expected to arrive here in all this week.

The *Herald* states that some wrong impressions had obtained currency respecting the discharge of the Florida militia. General Eustis has authorised the editor to say that his order did not contemplate the delivery of a single musket. He also desires the public to be assured that it was in a spirit of kindness and respect that his communication was made to general Hernandez.

An express had arrived at St. Augustine, from McRae's, who states that he saw a large number of Indian tracks near Golconda mill. Gen. Eustis immediately ordered a detachment of troops to scour the country in that direction, a part of whom went by water, and a part by land.

Charleston Courier office, March 7, 4 *P. M.*

The following is an extract of a letter, written by one of the officers of col. *Brisbane's* regiment, forwarded to St. Augustine by express. It is dated 29th February.

"We have just arrived at a point about 50 miles south of St. Augustine. We are among the Indians, at least some portions of them. Our scouts yesterday discovered a small hunting party, but the great distance prevented us from effectually intercepting their retreat. The severity of the campaign has already been experienced. Last night was unpleasant enough, and during the whole time, we had been compelled to move without our tents: and throughout the whole night, our force, consisting of four companies, were obliged to remain upon their arms, with the elements exercising their whole force upon them, and for any thing we know, the foe watching us. Our men have all behaved in the most commendable manner since we have been in sight of the enemy, and the calmness and precision they have evinced, and the correctness of their manœuvring, has won for them the most flattering esteem from col. Brisbane their commanding officer.

"We are now bivouacked at McRae's plantation. Up to this point we have seen the most numerous evidences of the savage warfare waged by our foes. Plantations totally devastated, and not a single face but that of the foe meeting the troops as they advance.

"I think myself, that it is a matter of some doubt whether we will have any thing like a general engagement with the Indians. I rather think that it will be but a detached kind of warfare, in which there will be more of fatigue than danger. My health has never been better—the fatigue and exposure agrees with me remarkably well.

Picolata, February 22, 1836.

The enemy, consisting of Indians and negroes, may be estimated certainly at 2,000—and, probably, a greater number, as it is believed that some of the lower Creeks have joined them. The country is very favorable for the enemy, and extremely unfavorable for us. A part of it is almost a terra incognita—other parts not to be penetrated—scarcely a road for wheel carriages, and none leading to their fastnesses. Then the difficulties of finding the enemy, and the almost insurmountable difficulties of transporting provisions and ammunition, will cause us incalculable labor and trouble. The war would soon be brought to a close, if we could encounter the enemy, but they can so easily elude us, and force us to harrassing marches and counter marches, that I apprehend we shall have a protracted campaign. And again, not one of the least difficulties we have to encounter, is the insubordination and want of military knowledge, (which only can be acquired by experience), of the militia. The loss of public property, by their negligence, and propensity to waste and destroy, is enormous. It is clearly evident that the expense of maintaining an equal force of militia, with that of regulars, would be more than quadruple. This war will, in all probability, cost the government at least $2,000,000; whereas, if we had had a larger army, the expense of conducting it to a close, would not have exceeded one-fourth of that sum, and the war would be terminated in half the time it will now take to accomplish that object by the mixed forces. Our little army is literally used up—at one period you hear of it, or part of it, on the confines of the Rocky Mountains, at another in the marshes of Florida—and a communication perhaps, directed to an officer at Portsmouth, N. H. may, if there be no obstruction to the mail, or the letter not returned to the general post office, as a dead letter, follow and reach him on the Gulf of Mexico; and the reverse, in every three or four months in the year—and this is known to the country and to congress, and still the army is not increased, and the officers thus harrassed allowed to subsist on a poor miserable pittance. It is impolitic and ungenerous. There is a charm, a facination, in a military life, particularly in the stirring time of war, that attracts to the service; and which notwithstanding the admonitions of policy, to seek some more lucrative employment—and the unfeeling parsimony of congress—we cannot resist.

We have a rumor here that gen. Gaines is at Tampa Bay, which I believe to be true. If this be so, he has not received the *order* from army head quarters to move upon the Arkansas river with a designated force, or he is acting in violation of orders. The command of the army of Florida has been assigned to gen. Scott, by the president of the United States, and it might be attended with unpleasant and unfortunate consequences; if he and gen. Gaines should meet, since their relative rank has not been definitely settled by government—at least the two generals are at issue on the subject.

Letter to the editor of the Lancaster Union, dated St. Augustine, February 20, 1836.

The war will soon commence in earnest. General *Scott* has arrived at Picolata, and general *Eustis* at this port. The preparation of the troops proceeds with the utmost rapidity. The regiment of colonel *Brisbane* is now ready for the field, and several companies have already left here for their stations. By an express received last night, from captain Henry of the Irish volunteers, we learn that a fresh Indian trail, indicating a force of about three hundred, was come upon, twenty miles from this city. It is not at all improbable that, before this, the first blow has been struck in the campaign, and that that company has reaped the honor of a victory. The principle of the campaign is to bring such an overwhelming force into the field as to render a contest hopeless on the part of the Indians. It is expected that their retreat will be cut off at the St. John's. If it is not, their reduction will cost much blood and infinite fatigue.

Should they reach their fastnesses, the everglades, it would leave the contest doubtful. It is certain that, if they can maintain themselves for two months, nothing can be done with them till next winter; for it would be madness to attempt any thing in the summer; indeed, it would be impossible to keep any troops in the field, for the climate is fatal, and musquitoes are almost as mortal. Our company went out on a scout around the city, about twenty miles, two days since. We had to be content with the sand and palmettos, as we did not meet a trace of the Indians, though they could not have been far off, as the trail recently discovered is not more than twenty miles from the city. It was very hard marching, deep sands, frequent ponds, with long grass, with the accompaniment of the palmetto, constituting the luxuries of

the excursion. I expect to be in the woods on the campaign in about a week. I am now waiting for the company, which it will be my fortune in part to command either as first or second officer. It will be a miserably long week, and I expect to suffer more than I have yet undergone, though I shall be able to sleep and eat, which I have not been able to do for a month past.

I heard of an act of cruelty committed by the savages recently, which has lessened my pity for them greatly. In one of their late burnings and captures of negroes, they took an old man and his wife. They wished to leave the old man to starve, and take his wife, who was much younger, with them. She refused to go without her husband; they threatened to shoot her, if she did not; *true to her affection, she persisted in her determination.* They then deliberately shot the old man through the head, as he was standing basking against the house. I was told this by a negro who made his escape from them, and who witnessed himself the horrid deed. He stole off in the night while they were all in a dead sleep, after a drunken debauch, the sentinel himself prostrated by the peculiar enemy of their race. If any thing of consequence occurs to the army generally, or to your friend, individually, you shall hear it.

The Tallahassee *Floridian* contains a letter dated Tallahassee, Feb. 1, from Mr. *Wyatt* to a friend in East Florida, expressing some important opinions relative to the probable course of the belligerent Indians. He thinks "that the Indians never intended to make a general resistance on this side of the Peninsula; that their object was, (which in all probability they have by this time accomplished), to retire to their old hiding places in the everglades, as they did in 1818, when gen. *Jackson* routed them from this part of Florida," and that in order to effect this, they commenced by murdering and pillaging the frontier citizens, on the whole Alachua settlement, and gathering and driving off large stocks of horses, cattle and hogs, to the other side of the Wythlacoochee, before a competent force could be put in the field against them; intending to retreat with their families, stock, &c. to the cape and everglades, by crossing the head waters of the St. John's, near its union with Lake Macao, and thence passing along the belt of land between that lake and Indian river, until they finally get round to Cape Florida, and to their old celebrated hunting grounds, between that place and Cape Sable. The massacre of major *Dade* and his troops, in order to break up the communication between Tampa Bay, and the agency, and the numerous skirmishes had and offered along the whole line from Wythlacoochee to the Atlantic, diminishing to the west but increasing to the south east. as they retreated, were all auxiliary to the main plan. Mr. W. thinks that the east may be safe when the Indians all retire to the cape—though even then only for a short time; that the forces now rendezvousing at the present seat of war, will not finally settle the difficulty; for it will be impossible to follow the savages by land during the rainy season; and that a new expedition to the cape and everglades is not to be looked for sooner than August or September. The government should not withdraw its troops from the present seat of war without erecting a strong line of defence from the Gulf to the Atlantic, as a security against the renewal of Indian ravages, during the harvest next fall. To erect and garrison block houses 20 miles apart, with 5 foot and 25 mounted men each, from the Wythlacoochee, by the way of Wetumkee, and Picolata to some point south of St. Augustine, would not require more than 400 men, which could be readily raised in West and East Florida, by volunteer engagements, say 3 months at a time.

Mr. W. estimates the Indian force at 4,000 effective warriors, including negroes—the country they occupy being about 300 miles long, by 125 broad, the centre (two-thirds) of which is covered by a chain of lakes studded with islands and almost endless glades, chequered with lagoons and deep narrow streams, making in all directions into the sea, and arched over with mats of evergreens and high grass; the other part being fertile land, abounding in compty or arrow root, an excellent substitute for bread, and producing a variety of fruits—the adjacent forest filled with wild game, and the adjacent waters with fish and wild fowl. Mr. W. further expresses the opinion that the Indians, who have had much intercourse and some intermarriages with Spanish fisherman, entertain a vain hope of finally escaping to the West Indies, with their negroes, and that it will be necessary to encompass them by block houses on land, and armed vessels or boats by water, so as to break up all communication between them and the Spanish fishermen, and our runaway negroes, or they may keep up a petty war with us for the next 5 years.

General *Clinch*, in an official report made to gen. Scott on the 20th ult. estimates the number of the hostile force in Florida at fifteen hundred Indian warriors and two or three hundred negroes.

Mobile (Ala.) March 2. The Alabama regiment of volunteers for the Seminole campaign sailed this morning for Tampa Bay. They are as fine a set of men as were ever gathered together for such an occasion—all vigorous, healthy, and in the prime of life, generally between twenty and thirty-five years of age.

The regiment consists of ten companies of volunteers from the following counties: three from Tuscaloosa, two from Montgomery, one from Autauga, (Wetumpka), one from Dallas, one from Wilcox, one from Pickens, and one from Fayette. The field officers are col. *Chrisholm*, lieut. col. *Crabbe* and major *Taliaferro*.

One of the New Orleans companies which came over here to obtain an opportunity of joining the troops in service, was accepted by col. *Lindsay*, and accompanied the regiment. The other was disbanded. [*Register*.

From the Louisiana Advertiser, 24th ultimo.

By the arrival of the schooner Mary Dow, captain TITLEY, we learn that numbers of the Indians were flocking into Tampa Bay, for the purpose of submitting themselves to the plan of emigration originally agreed on by them. There were upwards of *five hundred* of them awaiting passage in vessels bound for this place and Mississippi. Capt. T. further states that the Indians are becoming extremely useful by acting in the capacity of guides to the volunteers arriving at that place.

THE CREEK INDIANS.

The Tuscaloosa (Ala.) *Intelligencer* of the 29th inst. says:—"We understand that recent information received by the executive of this state, induces the belief that these Indians are making preparations to commence hostilities against our citizens in consequence of which we are informed the governor has ordered out one thousand mounted men, to be stationed at different points, and act as a corps of observation for the protection of the inhabitants near the Indian locations, in the eastern part of this state.

We learn further, that these men will be ordered mostly from Madison, Jackson, Limestone, and some of the other north eastern counties."

The *Salt River Journal*, published in Missouri, says:—

The Sioux nation on our north are beginning to manifest some restiveness, and some difficulty is apprehended. The troops at Rock Island, Fort Crawford and Prairie Du Chien have been ordered to Fort Snelling at the St. Peters agency. The Sioux nation is one of the largest tribes in the north.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

March 11. A message was received from the president of the United States accompanying a report from the treasury department in relation to the expenditures on the Cumberland road, which, on motion of Mr. *Clay*, was ordered to be printed.

Mr. *Knight*, from the committee on manufactures, reported the bill, without amendment, for the allowance of drawback on imported hemp when manufactured into cordage, which was ordered to be printed.

On motion of Mr. *Wright*, the amendments made to this bill by the house of representatives were concurred in by the senate.

Several other bills were passed among them that to settle the northern boundary of Ohio.

The senate proceeded to consider the bill for the continuation of the Cumberland road.

The amendment of Mr. *Clay* to reduce the aggregate amount of appropriations in this bill to $600,000, were agreed to, and the bill being reported, they were all concurred in by the senate by a vote of 29 to 11.

The bill was then ordered to be engrossed by the following vote:

YEAS—Messrs. Benton, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Grundy, Hendricks, King, of Ala. Knight, Linn, McKean, Moore, Nicholas, Niles, Robbins, Robinson, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—29.

NAYS—Messrs. Black, Brown, Calhoun, Hill, Hubbard, King, of Georgia, Leigh, Naudain, Porter, Prentiss, Ruggles, Shepley, Swift, Walker, White—16.

The bill as it was ordered to be engrossed, is as follows:

Be it enacted, &c. That the sum of two hundred thousand dollars be, and the same is hereby appropriated, for the purpose of continuing the Cumberland road in the state of Ohio, that the sum of two hundred and fifty thousand dollars be, and the same is hereby appropriated, for continuing the Cumberland road in the state of Indiana, including materials for erecting a bridge across the Wabash river; and that the sum of one hundred and fifty thousand dollars be, and the same is hereby appropriated, for continuing the Cumberland road in the state of Illinois; which sums shall be paid out of any money not otherwise appropriated, and replaced out of the fund reserved for laying out and making roads under the direction of congress, by the several acts passed for the admission of the states of Ohio, Indiana, Illinois and Missouri into the union, on an equal footing with the original states: *Provided*, That the expenditure herein made for the state of Illinois shall be limited to the graduating and bridging of the road therein; and shall not be construed as pledging congress to future appropriations for the purpose of Macadamizing the road.

Sec. 2. That the moneys hereby appropriated for the construction of the said road in the states of Ohio and Indiana be expended in completing the greatest possible continuous portion of said road in the said states, so that such finished parts thereof may be surrendered to the said states, respectively.

The question of the abolition of slavery in the District of Columbia, was called up by Mr. *Leigh*, and he withdrew his amendment.

Mr. *McKean* moved to amend Mr. *Buchanan's* motion by inserting as a reason for rejection, "that it is inexpedient to legis-

late on the subject of slavery in the District of Columbia," but he did not succeed.

The whole subject was then agreed to as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Ewing, of Ill. Ewing, of Ohio, Goldsborough, Grundy, Hill, Hubbard, King, of Alab. King, of Georgia, Leigh, Linn, McKean, Morris, Nicholas, Niles, Porter, Preston, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, Wall, Wright—34.

NAYS—Messrs. Davis, Hendricks, Knight, Prentiss, Southard, Webster—6.

The senate proceeded to the consideration of executive business.

Adjourned to Monday.

March 14. Mr. *Leigh* presented the credentials of *W. C. Rives*, elected a senator from Virginia, in the room of *John Tyler*, resigned.

Mr. *Rives* was then qualified, and took his seat.

Mr. *King*, of Alabama, offered the following joint resolution; which was read a first time:

Resolved by the senate and house of representatives of the United States of America in congress assembled, That the president of the senate and speaker of the house of representatives close the present session of congress by an adjournment of their respective houses on the —— day of May next.

Mr. *Ewing*, of Ohio, proposed to take up the land bill, which was rejected by the following vote:

YEAS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Hendricks, Knight, Leigh, McKean, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster—20.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hill, Hubbard, King, of Ala. King, of Geo. Linn, Moore, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, White, Wright—26.

The bill for the continuation of the Cumberland road in Ohio, Indiana and Illinois, was read a third time and passed.

Some time was spent in executive business—after which the senate adjourned.

March 15. After the minor business had been disposed of—

Mr. *Ewing*, of Ohio, moved the senate to take up the bill to authorise the distribution of the proceeds of the public lands, &c.

Mr. *Buchanan* expressed a hope that the senate would proceed to the consideration of executive business.

Mr. *Ewing* called for the yeas and nays on the question, which were ordered; and, after a few words from Messrs. *Benton*, *Ewing* and *Black*, the question was taken, and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—24.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hill, Hubbard, King, of Alabama, King, of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, Wright—23.

So the senate determined to take up the bill.

Mr. *Ewing*, of Ohio, then addressed the senate at length on the character and merits of the bill, going at large into a variety of interesting statements and views of the finances of the country, confirmatory of those which he made a few days ago on the same subject. Among other things, Mr. *Ewing* stated, that, as estimated, with the balance in the treasury on the first of January last, the amount in the treasury on the first of January next would be $74,407,000

Appropriations to be paid out, 23,134,000

Balance in the treasury 1st January, 1837, $51,273,000

About half past 2, Mr. *Ewing* being exhausted, gave way, and

Mr. *Southard* moved that the senate adjourn.

Mr. *Buchanan* moved to postpone the further consideration of the bill until to-morrow, but

Mr. *Ewing* refused to yield the floor for such motion. He said he was willing to yield to an informal motion, which would leave the question in the situation in which he left it, to be resumed as a matter of course. This might be done by unanimous consent.

Mr. *Buchanan* expressed his willingness.

Mr. *Benton*. I wish to be excluded from any such consent.

Mr. *Ewing* then resumed his remarks.

At 3 o'clock, Mr. *Naudain* moved that the senate now adjourn.

The motion was rejected—yeas 19, nays 22. The subject was, at last, postponed until to-morrow; and

On motion of Mr. *Buchanan*, the senate proceeded to the consideration of executive business; after which,

The senate adjourned.

March 16. Mr. *Webster* presented several abolition petitions—and a desultory debate followed, in which Messrs. *Webster*, *Mangum*, *Rives*, *King*, of Ala. and *Preston*, took part.

The following resolution, prefaced by a long preamble, was submitted by Mr. *Benton:*

Resolved, That the said resolution be expunged from the journal, and for that purpose, that the secretary of the senate, at such time as the senate shall appoint, shall bring the manuscript journal of the session of 1833-'4 into the senate, and, in the presence of the senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: "*Expunged by order of the senate, this — day of —, in the year of our Lord* 1836."

The senate having resumed the consideration of the bill to distribute the proceeds of the sales of the public lands among the several states,

Mr. *Ewing*, of Ohio, resumed and concluded his speech in favor of it. When

The senate went into the consideration of executive business; after completing which,

The senate adjourned.

March 17. After the presentations of petitions and reports from committees, which will be noticed in their progress.

Mr. *Webster* moved the printing of 3,000 extra copies of the statement of the affairs of the deposite banks, transmitted by the secretary of the treasury. Mr. W. made some remarks, shewing the dangerous situation of the public money in those banks.

A debate ensued on this motion, in which Messrs, *Benton*, *Clay*, *Calhoun*, *Wright*, *Ewing*, *Walker* and *Black* participated; after which the motion was agreed to.

Mr. *Grundy* offered the following resolution:

Resolved, That the committee on the post office and post roads be instructed to inquire into the expediency of authorising permanent contracts to be made for the transportation of the mail with the different rail road companies, or such of them as may be willing to make contracts for that purpose, upon such terms and under such restrictions as may be prescribed by law.

Mr. *Clayton* expressed his acquiescence in the resolution, and hoped that the views of the department would be extended to rail roads about to be constructed, as well as those which are already in operation.

Mr. *Grundy* replied that he concurred in the extension of the contracts, and the advance of the money to such rail roads as might be so far completed as to enable them to render service to the country.

Mr. *Webster* referred to certain resolutions on the same subject, submitted by him at the commencement of the present session, and, after some observations, he stated that he should, when this resolution was adopted, move the reference of his resolutions to the same committee.

Mr. *Porter* made a few remarks, and Mr. *Calhoun* had obtained the floor; when

Mr. *Grundy* (to check the discussion) withdrew his motion for consideration, and the resolution lies for consideration until to-morrow.

The senate proceeded to consider the bill to appropriate, for a limited time, the proceeds of the public lands, and

Mr. *Hill* addressed the senate at length in opposition to the principles of the bill.

After he concluded his remarks, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, *March* 11. The motion of Mr. *Jennifer*, to suspend the rules for the purpose of offering a resolution referring an application for a change of post routes in his district, to the committee on post offices and post roads, was taken up as the unfinished business of yesterday.

[Mr. *Jennifer* made this report yesterday, stating as a reason for it, that repeated applications on the subject had been made by him to the post office department and neglected. Further, he stated, that upon remonstrating with the assistant post master general against this neglect, he was replied to by an insolent letter which he read.]

Mr. *Turrill* asked the yeas and nays on the question which were ordered.

The question being taken, the motion was rejected—yeas 68, nays 115.

Subsequently Mr. *Jarvis* moved to reconsider the above vote, which motion lies over one day.

On motion of Mr. *J. Q. Adams*, the rules were suspended for the purpose of offering a resolution for printing 25,000 extra copies of the report of the secretary of the treasury on the subject of the cultivation and manufacture of cotton; and the resolution was considered, amended, so as to reduce the number to 15,000 copies, and agreed to.

The motion to reconsider the vote rejecting the motion of Mr. *Bynum* to permit the petitioner in the case of the North Carolina contested election to appear before the house, by counsel, in his own behalf was again taken up and supported by Messrs. *Bouldin* and *Bynum*, and opposed by Mr. *Hard*, till the expiration of the hour assigned for morning business.

Mr. *A. H. Shepperd* moved to suspend the rule for the purpose of continuing the consideration of the subject; rejected by a vote of 104 to 52—not two-thirds. The house then proceeded to consider private bills, as the order for Friday. Several private bills were read a third time and passed.

The joint resolution for placing Benedict Alford and Robert Brush on the pension list, was taken up; and, after debate, in which Messrs. *Wardwell*, *Brown*, *Lay*, *Underwood*, *J. Y. Mason* and *Whittlesey* took part.

Mr. *Whittlesey* moved to recommit the joint resolution to the committee on pensions.

[It appeared that this bill passed congress at its last session, and was approved by the president; but subsequently the secretary of war discovered that the bill had not received the action of the senate. The president, upon being informed of this fact, returned the bill to the senate, by a special message, which, with the bill, was referred to the committee on the judiciary, who made no report upon the subject. It appeared that the bill had duly passed the senate, and that the signature and authentication of the presiding officer were duly affixed; but the journal contained no record showing that the action of the senate had passed the bill. It was contended, on one side, that the law was complete and fully attested, by all the forms required by the constitution; that it was a law which the president and all others were bound to obey and execute, and that it was wrong to go behind the proper evidence to examine the record.

On the other hand, it was urged that the record of the senate was the only evidence that the constitutional forms of passing the bill had been observed by that body; and that when the president ascertained that such evidence was wanting, he acted rightly in refusing to execute the law. In short, it was said by some that the bill had become a law at the last session, and it ought not to be passed again, but ought to be executed; and by others, that there was no true, constitutional evidence that the action of the senate had made it a law, and, therefore, it could not properly be executed as such.]

No decision was had on this case, before the house adjourned.

Saturday, March 12. The house was occupied this day, with the North Carolina contested election. Nothing decided.

Monday, March 14. The house took up the resolutions of the legislature of the state of New York on the subject of a reorganization of the militia system by congress, presented last Monday by Mr. *Gillett*, together with the motion of Mr. G. to commit the same to the committee on the militia, with the following instructions:

To inquire into the expediency of so altering the laws relating to the militia, as to provide—

First. That all free white male citizens of the United States, between twenty-one and forty-five years of age, shall be enrolled in the militia.

Second. That, of the persons so enrolled, all who are under twenty-seven years of age, shall once in each year be called out for a period not less than six days, and remain under arms during that period, with the view of improvement in military discipline and martial exercise, and such persons to be minutemen, and to be first called upon in case of insurrection or invasion.

Third. That the persons who shall thus be called out and remain under arms shall receive a reasonable compensation for their time.

Fourth. That the government of the United States shall furnish all proper depositions for the use of the persons thus called out, all needful tents, arms and accoutrements.

Fifth. That there shall be deposited at proper points on the frontiers and seabord, all necessary and proper arms, including brass cannon, accoutrements and ammunition, to supply the enrolled militia when called into actual service in defence of the country.

After several gentlemen had given their views of the subject —on motion of Mr. *Glascock*, it was laid on the table for the present.

The bill making further appropriations for the suppression of Indian hostilities in Florida was, by consent, taken up, and, having been read a third time, *passed*.

Many petitions were presented this day.

Mr. *Williams*, of Kentucky, presented resolutions of the legislature of Kentucky in favor of the distribution of the proceeds arising from the sale of the public lands among the several states, and also of the distribution of the surplus revenue among the states, the reference of which he moved to the committee of ways and means.

Mr. *Boon*, remarking that the subject was before the committee on public lands, moved its reference to that committee.

Mr. *Garland*, of Virginia, moved that the subject be laid on the table.

The *chair* stated that, under the rules, the subject would lie over.

Mr. *Howard* presented a memorial from the National Trades' Union association, praying the passage of a law regulating the number of hours for the employment of day laborers in the service of the United States.

Several motions of reference being made, and a debate being likely to arise,

The *chair* stated that the subject would lie over, under the rules of the house.

A large number of resolutions were submitted, which were referred, &c.

The house took up the memorial heretofore presented by Mr. *Clark*, of certain citizens of Dauphin county, Pa. asking an appropriation of money, for the purpose of removing to the coast of Africa free persons of color and manumitted slaves.

Mr. *Clark* having moved to refer the memorial to a select committee, and that it be printed, the question pending was the motion of Mr. *Patton* to lay the memorial and the motion to refer and print on the table.

Mr. *Clark* asked for the yeas and nays on Mr. *Patton's* motion; which were ordered, and were as follows:

YEAS—Messrs. Anthony, Beale, Bean, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Bunch, Bynum, Cambreleng, Campbell, Carter, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Conner, Craig, Cushman, Davis, Doherty, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, French, Fry, Wm. K. Fuller, James Garland, Gillet, Glascock, Graham, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, R. M. Johnson, Cave Johnson, Henry Johnson, J. W. Jones, Benj. Jones, Judson, Kennon, Kilgore, Klingensmith, Lansing, Lawler, G. Lee, J. Lee, Luke Lea, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, M. Mason, Maury, May, McComas, Muhlenberg, Owens, Page, Parks, F. Pierce, Peyton, Phelps, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Pickens, Rencher, John Reynolds, J. Reynolds, Roane, Robertson, Rogers, Aug. H. Shepperd, Shields, Sickles, Smith, Standefer, Steele, Taliaferro, Thomas, Waddy Thompson, Toucey, Towns, Turrill, Vanderpoel, Ward, Washington, Webster, Wecks, White, Sherrod Williams—129.

NAYS—Messrs. Adams, H. Allen, Ash, Bailey, Banks, Barton, Bond, Borden, Boulding, Briggs, William B. Calhoun, Carr, Casey, George Chambers, Childs, Clark, Corwin, Crane, Darlington, Denny, Evans, Everett, Philo C. Fuller, Granger, Graves, Grennell, Hiland Hall, Hard, Harlan, Harper, S. S. Harrison, Hazeltine, Heister, Hoar, Howell, Ingersoll, Wm. Jackson, Janes, Kinnard, Lane, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Love, Sampson Mason, McCarty, McKennan, Mercer, Miller, Milligan, Morris, Parker, Patterson, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Schenck, Shinn, Slade, Slone, Spangler, Storer, John Thomson, Underwood, Vinton —69.

So the memorial was laid on the table.

Tuesday, March 15. On the motion of Mr. *Bell*, the house agreed to meet at 11 o'clock, hereafter.

The naval service bill was taken up, in committee of the whole, and Mr. *Evans*, of Maine, occupied the remainder of the day. The committee rose on the motion of Mr. *Chambers*, of Penn.

Wednesday, March 16. The house was called to order at 11 o'clock. Mr. *Evans* objected to the reading of the journal, on the ground that a quorum was not present. The *chair*, after counting, stated that there appeared to be but 73 members in attendance. A whole hour was spent in calling, re-calling, taking yeas and nays, &c.

At length, at 12 o'clock, the doors, which had been closed against absentees, were opened, and the journal read.

After some other business—

On motion of Mr. *Cambreleng*, the house went into committee of the whole on the state of the union, Mr. *Miller* in the chair, upon the bill making appropriations for the naval service of the United States for the year 1836—the question still being on the motion of Mr. *Bell* to reduce the appropriation for the navy yard at Portsmouth from $67,000 to $35,500.

And a general debate followed—in which Messrs. *Evans*, *Chambers*, of Pa. *Bell*, and others took part. The committee rose and the house adjourned, without a decision.

Thursday, March 17. Mr. *Hawes* made an unsuccessful attempt to suspend the rules for the purpose of taking up the resolution heretofore offered by him for the appointment of a select committee to investigate the concerns of the West Point academy.

The house resumed the consideration of the report of the committee on electons relative to the North Carolina contested election, the question being on a motion to recommit the report to the committee on elections, with instructions to allow further time for taking depositions in relation to the election,

The petitioner (Mr. *Newland*) having been permitted, by order of the house, to appear at the bar, addressed the house, at length, in support of his claim, and in opposition to further delay of the decision on the subject.

A debate ensued in which Messrs. *Howard*, *Graham*, *Boyd*, *Maury*, *Claiborne* and *Hard*, took part; before Mr. *Hard* concluded his remarks,

The *chair* announced the arrival of the hour assigned for taking up the special order.

Mr. *Boyd* moved to suspend the special order for this day, for the purpose of proceeding in the consideration of the report of the committee on elections.

On this motion, the yeas and nays were asked by Mr. *Galbraith*, and they were ordered.

The question being taken, it was decided in the negative—yeas 175, nays 72.

On motion of Mr. *Cambreleng*, the house, pursuant to the special order of the 26th January, then resolved itself into a committee of the whole on the state of the union, (Mr. *Hamer* in the chair), and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question being on the motion of Mr. *Bell* to strike out the following clause:

"For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, sixty-seven thousand dollars."

Mr. *Hawes* moved to postpone all the rules of the house, for the purpose of introducing a motion to rescind the order of the house making the appropriation bills the special order for each

day, except Friday and Saturday, after one o'clock; and on that motion he asked the yeas and nays, which were refused.

The motion was then rejected.

Mr. *Bell*, then resumed his arguments, but without concluding, gave way for a motion that the committee rise; which was carried, and the house adjourned.

MICHIGAN.

For the Journal and Advertiser.

Mr. *Corselius:* I observed in the published documents from Washington, a letter of instructions by the acting secretary of state, to John S. Horner, esq. acting governor of Michigan, which I think merits the perusal of our citizens as illustrative of the light which our proceedings are held in by president Jackson and his cabinet.

I would humbly request the views of some conspicuous member of the *honorable legislature of the state of Michigan* on this letter, a copy of which I herewith transmit to you for publication. S.

—

Department of state, October 8, 1835.

Sir: I have laid before the president your communication of the 28th ultimo, with the papers which accompanied it.

The president, though aware that the inhabitants of Michigan had been for some time taking measures with a view to the admission of that territory into the union as a state, relied so fully upon their respect for the constitution and laws, as not to suppose that, in their zeal for that object, they could be led to adopt any other measures than those within their legal competency.

It is only now, for the first time, that he has seen the constitution agreed to by the convention, and submitted to the people of Michigan for their ratification. He perceives, as is represented in your letter, that a new government created by that constitution is intended to go into operation on the first Monday in November next, and to exercise after that time legislative, executive, and judicial powers within that part of the territory which was formed by the act of January, 1805; and, consequently, that the territorial government established by congress is then to be superceded and abrogated within that portion of the territory.

The president views as natural and proper the desire of the people of Michigan to be admitted to all the rights of a state. It will afford him great pleasure to aid, as far as depends on him, in the early accomplishment of that important object; and, in the mean while, he will not sanction any interruption of the proceedings which they may adopt with that view, so long as such proceedings do not interfere with the due administration of the laws of the United States for the establishment and government of that territory, and with the rightful exercise of the functions of the officers appointed under their authority. But as he cannot admit that any government which the people of Michigan may desire to set up can, without the consent of congress, supercede or abrogate that which congress has established, he trusts that no attempt will be made by any person, under authority supposed to be derived from the proposed constitution, to exercise powers incompatible with those which congress has entrusted to officers appointed under its own authority.

The president is of opinion that the territorial government now existing in Michigan having been established by congress in virtue of the power exclusively vested in that body by the constitution, must continue until it is terminated by congress. The laws by which it is established have the same force in his mind, as any other laws of the United States, and he deems it not less his duty to see them faithfully executed.

If, as the people of the territory believe, the time has arrived when their present political condition ought to cease, he cannot doubt that congress, in its wisdom and justice, will readily fulfil the pledge contained in the ordinance of 1787 for their admission into the union. But until that event shall take place, he cannot recognise any other government in Michigan than that established by congress.

I am instructed by the president to make known to you his views on the subject, and, in answer to your desire to be informed of the course which you should pursue, to state that it will be proper for you, as well as all other officers appointed under the authority of the laws of the United States in the territory, to continue in the exercise of your official duties until those laws be altered or revoked by congress.

The opinion of the attorney general having been recently taken on questions growing out of certain proceedings in Arkansas with the view to the formation of a state government in that territory, I am directed to transmit a copy, in the belief that, from the analogy between the two cases, it may prove useful to you. I have the honor to be, sir, your most obedient servant, ASBURY DICKINS, *acting secretary.*

John S. Horner, esq. acting gov. of Michigan territory, Detroit.

OHIO AND MICHIGAN.

Boundary difficulties. After the difficulties of the last summer upon our border had been encountered, we hoped that congress would promptly settle the matter on meeting, and that we should hear no further account of collision of authorities in that quarter; but the following letter from a gentleman at Toledo, dated January 30th, 1836, to the editors of the Columbus Hemisphere, shows that difficulties will occur until this question shall have been definitely and finally settled. This we hope congress will not fail to do at an early day, though, at present, the prospect of a speedy determination is not flattering, as may be seen from the statements of a member of the committee to which the subject was referred. [*Balt. Gaz.*

Renewal of hostilities.

Gentlemen: On my arrival at this place last evening, from Columbus, I found the town thrown into considerable excitement from a recent attempt on the part of the Michigan authorities to collect taxes from the citizens of the disputed district. From a statement of the facts by judge Wilson, who was one of the sufferers by this recent act of violence, I gather the following particulars:

The town of Whiteford, as organized under the laws of Michigan, passes over the northern boundary of the state, to the Fulton line, and comprehends the town of Sylvania, in Ohio. The assessors of Whiteford having made out their assessment roll, an attempt was made a few days since, by a Michigan officer living north of the constitutional line of Ohio, to collect taxes from citizens of Sylvania. Against these proceedings the citizens of Sylvania remonstrated, alleging that they were in Ohio, and that they would pay taxes to that state only.

The officer thereupon levied upon the property of the citizens, among whom were judge Wilson and Jerome, Cyrus Hollaway, James Egnew and Benj. Joy, esqrs. A number of cattle and horses belonging to these gentlemen were seized by the officer, who proceeded on the 28th inst. to sell them at public auction. Among other outrages, the dwelling-house of col. Hoadly, living some fifteen miles beyond the Sylvania settlement, was broken open in his absence, and a large amount of personal property taken and sold. The people at length becoming enraged at these several acts of violence, collected in a body, and, after having taken out a warrant for the offender under the laws of Ohio, seized him, and conveyed him to the jail of Wood county.

This has created a high degree of excitement as well in the neighboring towns within Michigan, as among the inhabitants within the disputed district. The officer, who has been since bailed out of prison, swears vengeance upon the citizens, and declares his determination of raising a posse to carry out his threat.

PROPERTY AND TAXATION OF STATE OF N. YORK.

It appears from the late report of the comptroller of the treasury of New York, that the general fund, from which the ordinary expenses of the government for many years past have been in a great measure defrayed, is exhausted. The balance of the fund of $206,000 in bonds and mortgages was last year transferred to the school fund, and the amount applied to the expenses of the government. It is now proposed to meet the expenses of the state by taxation. The comptroller makes the following estimate of the assessed value of the property to the state, and the amount of taxation for county and municipal purposes, for the year 1835.

Real estate in 48 counties	$387,315,275
" " in 7 counties, not returned	14,769,933
Personal estate in 48 counties	122,840,043
Non-resident debts	3,763,924
Personal estate in seven counties, not returned	1,553,650
	$530,242,925

The total sum levied upon 45 counties, for county expenses, is	608,574 61
The sum levied upon 44 counties, for town expenses, is	457,265 20
The amount of tax upon the city and county of N. York, say	905,000 00
Add average county expenses for 9 delinquent counties	121,714 92
Add average town charges for 10 delinquent counties	103,953 92
And it makes the aggregate amount of the annual tax upon the whole state, for county and town charges	$2,196,507 65

Which, will average, probably, about $1 to each inhabitant in the state.

The average rate of taxation, is 5 mills and 12 hundredths upon each dollar of the assessed valuation of the property of the state.

The aggregate number of acres of land assessed in the whole state, is 27,680,839.

IMPORTANT INSURANCE CASE.

George Barclay, Schuyler Livingston, } *vs.* Jackson Marine insurance company, }

In the case of the British ship sir James Anderson, abandoned at sea on a voyage from Quebec to Liverpool in December, 1834, for loss of rudder and being in a leaky condition, and defended, on the ground, that (all the ship's water having been on deck on sailing from Quebec) she was unseaworthy; although part of the water was put into the ship's poop before the disaster. The jury after a trial of nine days, and fifteen minutes consideration after the case was given them last evening by his honor chief justice Jones, decided all the points in the case, against the insurance company, as follows:

I. Was the vessel properly and necessarily abandoned at sea? Yes.

II. Was the vessel seaworthy when she sailed from Liverpool for Quebec? Yes.

III. Was the vessel under all the circumstances of the case seaworthy when she sailed from Quebec on the voyage insured? Yes.

IV. Was the vessel seaworthy after the removal of the casks of water from the deck into the poop cabin? Yes.

V. Did such removal occur before the happening of any such disasters which caused the abandonment of the vessel at sea? Yes?

VI. Were any of the disasters which led to the abandonment of the vessel at sea, caused, in any degree, by the stowage of water on deck? No.

The amount of damages in this case was about $6,300 with interest and costs.

The names of the jury were: Edmund Morris, James Burdy, William H. Falls, Thomas Shepard, Luke Gage, W. Rushton, J. M. Jacquelin, John Palmer, G. W. Sumner, J. P. Ames, Joshua Walker, Abraham N. Topping.

Counsel for the plaintiffs, Griffin and Gerard; for defendants, Ketchum and Slosson. [*New York Gazette.*

THE SLOOP OF WAR PEACOCK.

FROM THE NORFOLK BEACON.—A LETTER.

United States ship Peacock, Bombay, October 24.

"On the morning of the 20th September, at 2 o'clock, we were aroused by the ship's getting ashore; we immediately furled sails; she was going 7½ miles per hour when she struck. The boats were gotten out and sounded round the ship; after which, the stream anchor was carried out in the direction of deep water. At day-light, saw a low sandy island to the northward, bearing from east to west with shoal water all around us. We made every exertion to heave the ship off, but could not move her; we then started water, threw overboard spare spars, guns, shot, provisions, &c.; and after many reverses, on Tuesday we had the pleasure of seeing the ship in water deep enough to float her. During this time many small vessels called *dows* were near us, and, like vultures, watching their prey; and while we were busy in getting into deep water, they commenced robbing a raft we made of our spars to hold provisions, &c. and to land upon if we had lost the ship. At another time they attempted to cut off one of our boats that was carrying out a kedge, but a few shot from our guns (for we did not throw all overboard) made them relinguish their attempt. These lawless people are Bedouin Arabs, who live by plunder; and if it had been our misfortune to have lost the ship, the least of our sufferings would have been to be made slaves of. At sun-rise on Tuesday morning, while there was but little hope of getting the ship afloat, Mr. Roberts left the ship, in one of our boats, for Muscat, to carry the treaty, and have relief sent us from that place. On the same morning we hove off, and anchored in 3½ fathoms water, as we could do no better, where she struck very heavily part of the time, and we feared that she would be much injured. The tide rises here six feet; at four o'clock the tide began to rise. We got under-way on Wednesday night, and anchored in 6 fathoms water; next day we got out to sea, and found that we had been on shore in the Gulf of Mayziers, on a small sand key. We arrived safely at Muscat, and found that the Sultan had done every thing in his power to afford us relief. He fitted out a sloop of war in twenty-four hours, and despatched her to us with all kinds of refreshments, and ordered the governor of Zoar to sail for Mazia with all the dows, and 300 men, to render us every assistance that we might require. We met the sloop the day before we arrived; and after our arrival at Muscat, he evinced, in every way, the kindest feeling towards us. This is a very brief account of our misfortunes, and it is owing, under Providence, to the great exertions of the officers and men, that we extricated the ship from her perilous situation. We arrived here the day before yesterday, and expect to get into dock on Monday, and hope soon to be at sea again. The *Enterprize*, lieutenant com. Campbell, arrived here ten days before us. We parted company soon after leaving Rio de Janeiro. Officers and crew all in fine health."

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Navy Department.—The U. S. ship Vincennes, commanded by master commandant John H. Aulick was at Otaheite, Sept. 19, 1835, where she arrived on 5th of that month, from Nooaheevah, one of the Washington group of islands in the Pacific ocean. Nothing worthy of note had occurred since they parted from the Brandywine, com. Wadsworth, in July last, at Callao. Had taken twelve American seamen on board at Otaheite, principally left there by whalers, and expected some more before sailing. Intended to sail the next day for the Friendly and Fejee groups, touching at some of the intermediate islands, next to the Pelew islands, and from thence to China, where they expected to arrive by the 1st of January, 1836. All on board were in good health.

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The United States ship Concord, captain *Mix*, sailed from Portsmouth, N. H. on the 27th ult. for the West India station.

THE DEPOSITE BANKS.

From the National Intelligencer.

We have made room to-day for a public document of great interest, which will be found on the preceding page. It is a tabular statement of the condition of the banks in which the public money has been placed, from a particular examination of which, every intelligent reader will derive information, some of it curious, and all of it instructive. The following is a recapitulation of the aggregates of the table:

LIABILITIES.

Capital	$42,356,088 27
Treasurer United States	28,239,744 61
Public officers	2,439,135 30
Due to banks	14,879,161 45
Contingent fund	840,270 97
Profit and loss, discount and interest	3,189,932 83
Circulation	26,243,688 36
Private deposites	15,043,033 64
Other liabilities	5,937,045 82
Difference	1,970 20
	$139,170,171 45

MEANS TO MEET THEM.

Loans and discounts	$65,439,908 64
Domestic exchange	27,149,935 39
Real estate	1,815,238 04
Due from banks	15,712,977 35
Notes of other banks	9,573,089 53
Specie	10,198,659 24
Foreign exchange	406,542 98
Expenses	96,591 49
Other investments	8,777,228 79
	$139,170,171 45

[We shall *try* to get in the table alluded to—for general reference, though it is a very large and heavy one. REG.]

PROCEEDINGS IN MISSISSIPPI.

The following preamble and resolutions have passed both houses of the legislature of the state of Mississippi, with but one dissenting voice:

Whereas, the U. States did, by a certain treaty held and made with the tribe of Choctaw Indians, residing, for the time being, within the limits of the state of Mississippi, to wit: the treaty of Dancing Rabbit Creek, made and concluded on the twenty-eighth day of September, eighteen hundred and thirty, A. D. and whereas, by the 14th article of said treaty, certain reservations of land were granted to such Indians as should remain on said land for five years next succeeding such treaty; and whereas, such claimants were, by the 14th article in the treaty referred to, compelled to signify their intention of claiming, under the provisions of said treaty, within six months after the ratification thereof, or forever forfeit the right thus acquired; and, whereas, it appears, from recent developments, that large claims to land have been preferred, covering the richest and most valuable portion of the unsold Choctaw lands, and purporting to be founded on, and growing out of, the treaty above referred to, and on a part of which land thus claimed no Choctaw Indian either does now or ever has resided; and whereas, it is evident, from the face of the case, that these claims are manifestly unjust in their character, oppressive in the result of their operation on the freemen of Mississippi, and calculated to secure no ultimate benefit to the Indian originally claiming, but in their consummation will have a direct tendency to impair the confidence which the good people of this state have in the correctness of the law and in the honesty of the administrators of our public institutions; and, whereas, this most iniquitous transaction will, if consummated, not only rob Mississippi of her just and unalienable rights to have her five per cent. on the amount which ought to accrue from the sale of the large portion of valuable land thus reserved; and, whereas, this body has satisfactory evidence of the fact that a large proportion of the claims to said land, under the provision of the treaty already referred to, are set up, and attempted to be sustained on the testimony of Indians who are unacquainted with the nature of an oath, and utterly regardless of the obligation thus incurred, and on the testimony of other individuals wholly unworthy of the confidence of a moral and intelligent community; and, whereas, the permission of such abandoned and licentious profligacy would injure our community, disgrace our social and political compact, and license corruption and perjury to stalk at large through our land:

Now, therefore, be it resolved by the legislature of the state of Mississippi, That our senators in congress be *instructed*, and our representatives requested, to use the most speedy and efficient means to prevent the consummation of such of said titles to said land as may have originated in fraud, to the end that the aforesaid land may be disposed of in the regular way, and in accordance with the laws in such cases made and provided.

Resolved, That his excellency, *Charles Lynch*, be requested at as early a date as may be possible to furnish our senators and representatives in congress with a copy of the foregoing preamble and resolutions, and with the testimony taken thereon, with a request that they lay the same before both branches of congress.

IMPORTANT TO MERCHANTS.

We have been favored, says the Philadelphia Gazette, by a correspondent at Washington, with the following letter, giving an account of two late decisions of the supreme court.

Washington, Feb. 4, 1836.

SIR: It may be interesting to your mercantile readers to know, that the supreme court has decided two very important cases at its present term, particularly so, as it makes officers liable to all damages they may cause to importers, by preventing them from entering their goods at the legal duty. The first was No. 34, Tracy *versus* Swartwout. The plaintiff imported a quantity of syrup of sugar cane, and offered to bond it at 15 per cent. lawful duty. The collector refused to take the bonds, and insisted it should be bonded at 3 cents per pound. This was declined on the part of the importer, and after the duties were adjudicated to be 15 per cent. the plaintiff brought his action for damages against the collector. The circuit court charged the jury to give nominal damages, as the collector acted in good faith, and by the orders of the secretary of the treasury. The supreme court has set aside the verdict, and ordered the cause to be remanded for further proceedings; deciding, first, that the plaintiff was entitled to the full amount, of all the damages caused to him by the illegal act of the collector; secondly, that the collector was excusable for acting by the orders of the treasury department, only so long as the orders of that department were agreeable to law; thirdly, that the collector was liable for every illegal act he committed. The plea that a known agent was not responsible, but his principal for all damages caused by the acts of his agents, would be to send the injured party to congress, to pray he might be restored to that of which he had been wronged.

The second case was "Nelson G. Elliot *versus* Swartwout." The first question in this case was, whether shawls made of worsted bordered with cotton, were manufactures of which wool was a component part. The court had established the principle in the case of 200 chests of tea, (9 Wheaton, 438), that the revenue laws were regulations of commerce, and that the terms used by them were to be constructed in the language used by merchants in the common transactions of life, as done between buyers and sellers; and as merchants did not call worsted stuff goods, manufactures of wool, shawls made of worsted and cotton, were not manufactures of which wool was a component part. Merchants called manufactures of wool, such as were made of carded wool; those made of combed wool were called by merchants worsted stuffs; therefore they were not wool or of which wool was a component part. The second question was, whether the collector was personally liable for surplus duty, when he had been told he had charged more than the legal duty; or, when he was told not to pay it over. The court held that he was personally liable for such surplus.

IMPORTANT MOVEMENT IN NEW JERSEY.

From the N. Y. Journal of Commerce.

The committee of the New Jersey legislature to whom was referred the proposition of the Camden and Amboy rail road, and Delaware and Raritan canal companies, to sell their works to the state on certain conditions, have *reported in favor of accepting the proposition*, and brought in a bill to that effect, entitled, "An act to extinguish the exclusive privileges of the Delaware and Raritan canal, and the Camden and Amboy rail road." The companies, in the proposition, the acceptance of which is recommended by the committee, offered to sell their rail road and canal, with all property and rights appertaining thereto, for the sum of $7,650,000, to be paid to the stockholders in certificates of state stock bearing the interest of 5 per cent. per annum, payable half yearly and redeemable in not less than a given number of years. The committee also recommended the acceptance of the offer of the Philadelphia and Trenton rail road company, and the Trenton and New Brunswick turnpike company, to take a lease of the first mentioned works for 36 years, at $459,000 per annum, in half yearly payments, being the interest of the aforesaid $7,650,000 at 6 per cent. and also to authorise and require the Trenton and New Brunswick turnpike company to construct a rail road on their turnpike, with such deviations as the nature of the case may require, from the city of New Brunswick to the Delaware bridge at Trenton—said road to be completed in two years. The bill authorised a charge of $4 for every passenger, transported by day from Philadelphia to New York or from New York to Philadelphia through the state of New Jersey, and $5 for every passenger so transported by night; the lessees, whenever they shall think proper to charge these prices, being required to pay into the state treasury 25 cents for each passenger. The 7th section of the bill is as follows:

Sec. 7. And be it enacted, that out of the rent to be secured, as aforesaid, from the said lessees, the sum of $40,000 be, and the same is hereby directed to be appropriated yearly and every year, to defraying the expenses of the government of the state; and that hereafter, during the period of the aforesaid lease, no taxes shall be levied upon the people of this state for that purpose.

So it appears that the legislature calculate to make a good operation out of the arrangement; and it is very plain they will. As the state will pay but 5 per cent. interest on the purchase money, $7,650,000, and will receive 6 per cent. it will realize an annual profit of $76,500, which with the interest thereon, will in less than 36 years amount to the whole sum paid, viz: $7,650,000.

The bill, however, was rejected, and the "*monopoly*" still will continue.

TRADES' UNIONS—LEGAL OPINION.

The following is the opinion of chief justice *Savage*, of New York, on certain combinations that have lately happened in that state. Labor, like every thing else, has a value—and may be determined at the will and pleasure of those who possess it. So as to all other articles of trade—such as bread and beef, and every thing else that has *value*. If a baker pleases to ask one dollar *per lb.* for his bread—he is at perfect liberty to do so; but he will not be justified in knocking down, or otherwise maltreating another, who is willing to sell his bread for six cents a pound. The law will punish him for his misdeeds, and so it ought. Unless it did, every thing would be yielded to brute force, and the first principle of *safety* to society be over-thrown. The associations too, in any case, perhaps, have a right to *expel* from their societies any persons who does not exact the prices demanded by such societies—but here their right ends, and the law of *nature* takes place: violence must not be resorted to—or violence must be met with violence; and such we regard all *combinations* to reduce prices for labor. There must be no *force*, in either case—that must be resisted, and will be; until society is wrecked, and "chaos comes again."

The people, *vs.* George W. Fisher, Stephen Fowler and Anthony C. Hoyt. By the court, Savage, chief justice. The defendants were indicted at the court of general sessions of Ontario, in May, 1834, for a conspiracy.

1*st Count.* The first count charges that on the 1st August, 1833, at Geneva, the defendants, with other persons formed themselves into a club or combination, and conspired to prevent journeymen shoemakers from working below certain rates or prices, and made certain rules or by-laws by which any journeyman shoemaker who should make men's coarse boots for a less price than one dollar, should forfeit ten dollars. And did also conspire and agree that they would not work for any boss shoemaker who should employ any journeyman at a less price. Further, that one Pennock, a journeyman, did make ten pair of coarse boots for one Daniel L. Lum, a boss shoemaker, for seventy-five cents per pair. That Lum employed Pennock to work for 75 cents per pair, and the defendants refused to work for him, as they had done before, for the only reason that Lum had employed Pennock who had broken their by-laws.

2*d Count.* After stating the combination and conspiracy as above, also charges that the defendants conspired and agreed that they would not work for any boss shoemaker who should employ the said Pennock. That Lum did employ the said Pennock, and the defendants left his employ, and refused any longer to work for him, solely for the reason that he employed the said Pennock. Whereby the said Lum was compelled to dismiss the said Pennock. The indictment contains two other counts, charging the same offence, with some variations.

The defendants pleaded a former indictment for the same offence, found at the November sessions, 1833, and another indictment found at the February sessions, 1834. Upon both of which they had been arraigned and pleaded not guilty, and the said indictment had never been tried. To this the public prosecutor demurred. The court gave judgment for the defendants, on the ground that the indictment did not describe an offence known to and recognized by the laws of the state of N. York. We have the authority of Hawkins for saying that a plea of a former indictment pending for the same offence is bad. Hawkins, P. C. book 2, ch. 33, s. 1, and by our revised statutes 2 R. St. 726, s. 42, the first indictment is superceded by the second, and liable to be quashed. It is not, therefore, a bar to such second indictment.

The only question, therefore, is the one decided by the court below; whether the offence charged is indictable? The legislature have given us their definition of conspiracies, and abrogated the common law on the subject. We must, therefore, see whether this case comes within the statute. The legislature have said, § 2 R. St. 691, 2. s. 8. "If two or more persons shall conspire, either 1st, to commit any offence; or 2d, falsely and maliciously to indict another for any offence, or to procure another to be charged or arrested for any such offence; or 3d, falsely to move or maintain any suit; or 4th, to cheat and defraud any person of any property by any means which are in themselves criminal; or 5th, to cheat and defraud any person of any property, by any means, which if executed would amount to a cheat, or to obtaining money or property by false pretences; or 6th, to commit any act injurious to the public health, public morals, or to trade or commerce, or for the perversion or obstruction of justice, or the due administration of the laws, they shall be deemed guilty of a misdemeanor." § 9th, "no conspiracies, other than such as are enumerated in the last section, are punishable criminally." If the conspiracy charged in the indictment, is an offence under this statute, it must be embraced under the sixth subdivision, and is an act injurious to trade or commerce. The conspiracy in this case was not to commit an offence within the meaning of the statute—the raising of wages is no offence, the conspiracy is the offence, if any has been committed—nor was the object to indict any one; to move or maintain a suit; to cheat any one by criminal means, or by any means which if executed would amount to a cheat—nor to obstruct the course of justice or the administration of the laws. The question therefore is, is the raising of the wages of journeymen shoemakers an act injurious to trade or commerce? The words trade and commerce, are said by *Jacobs* in his law dictionary, not to be synonimous;

that commerce relates to dealings with foreign nations; trade, on the contrary, means mutual traffic among ourselves, or the buying, selling or exchange of articles between members of the same community. That the raising of wages, and a conspiracy, confederacy or mutual agreement among journeymen, is a matter of public concern, and in which the public have a deep interest, there can be no doubt. That it is an indictable offence at common law, is proved by legal adjudications.

The king *vs.* journeymen tailors of Cambridge 8 mod. * The defendants were indicted for a conspiracy among themselves to raise their wages—they were found guilty—and moved in arrest, among other things, that no crime appeared upon the face of the indictment. To this the court answer: That it is true that the indictment sets forth that the defendants denied to work under such wages as they demanded, but it was not for the denial, but the conspiracy they were indicted—and the court add, that a conspiracy of this kind is illegal, though the matter about which they conspired might have been lawful, for them or any of them to do without a conspiracy, and they refer to the case of the sub * omen against the brewers of London. This case has been recited as sound law by all subsequent writers on criminal law.

The people *vs.* Trequirer and others, 1. Wheeler's Crimin. * as. 142, was an indictment against the defendants for a conspiracy to cause one Acher to be discharged from employment as a hatter, and refusing to work for their employers unless they would discharge Acher, because as they alleged he, Acher, worked for "knocked down wages." The facts of the case were much like the present except that the defendants were hatters, and here they are shoemakers. The counsel for the defendants contended that the doctrine of conspiracy was applicable in this country. The defendants were convicted. Journeymen may each singly refuse to work unlesss they receive an advance of wages, but if they do so by pre-concert or association they may be punished for a conspiracy, 6, T. R. 636. Such was the construction of the common law, but in England the subject has been thought sufficiently important to require the special attention of the legislature, and statutes have been enacted in the reign of Edward 6th, and George 3d, which subject workmen conspiring either to reduce the time of labor or to raise their wages, to the punishment of fine and imprisonment.

I have found but few adjudications upon this subject, but the precedents, in the absence of adjudications, are some evidence of what the law is. Among these we find precedents, at common law against journeymen for conspiring to raise their wages and lessen the time of labor, and to compel masters to pay for a whole day's work—against journeymen lamplighters for conspiring to raise wages, and against journeymen carriers for the like offence, 3 ch. cr. L. 1,163 and note 9: against salt makers for conspiring to enhance the price of salt: against journeymen serge weavers, for refusing to work for a master who had employed a man contrary to certain rules entered into by conspiracy; against journeymen leather dressers for conspiring to induce a man to turn a person out of his employment—against master rope-makers, for conspiring not to employ journeymen who had left their last master without his consent. Some of these offences seem to have had for their object the oppression and injury of an individual—others were calculated to injure the public. The immediate object in those cases as in this, probably was to benefit the conspirators themselves; but if their individual benefit is to work a public injury a conspiracy for such an object is against the spirit of the common law. The offence of conspiracy seems to have been left in greater uncertainty by the common law than most other offences. Mr. Chitty states that all confederacies wrongfully to injure another in any manner are misdemeanors. So the law was understood by this court until the decision of the case of Lambert vs. the people, 9 Cowen 578. The judgment of this court was reversed in that case by the casting vote of the president; but whether on the ground that a conspiracy to defraud an individual was not indictable, or on the ground that the indictment was defective in omitting to state the means by which the fraud was effected, it is impossible from the report to ascertain: and the question was left in doubt whether an indictment lies for conspiracy to produce a mere private injury by means which are not in themselves criminal, and which would not affect the public, nor obstruct public justice. That question was intended to be put at rest by the revised statutes—and we have the authority of the revisers for saying that this is the only particular in which a departure from the common law doctrine was intended, if indeed the common law was as it was understood by this court. See note of revisors to pt. 4 ch. 1, Tit. 6.

Whatever disputes may exist among political economists upon the point, I think there can be no doubt in a legal sense, but that the wages of labor compose a material portion of the value of manufactured articles. The products of mechanical labor compose a large proportion of the materials with which trade is carried on. By trade I now understand traffic or mutual dealings between members of the same community, or internal trade. Coarse boots and shoes are made in many parts of our country, not for particular persons who are to wear them, but as an article of trade and commerce. Probably such is the case in Geneva, where this offence was committed. If journeymen bootmakers, by extravagant demands for wages, so enhance the price of boots made in Geneva, for instance, that boots made elsewhere, in Auburn for example, can be sold cheaper, is not such an act injurious to trade? It is surely so to the trade of Geneva in that particular article, and this, I apprehend, is all that is necessary to bring the offence within the statute. It is important to the best interests of society that the price of labor be left to regulate itself, or rather be limited by the demand there is for it—combinations and confederacies to enhance or reduce the prices of labor or any article of trade or commerce are injurious. They may be oppressive by compelling the public to give more for an article of necessity or of luxury than it is worth, or on the other hand by compelling the labor of the mechanic for less than its value. Without any officious and improper interference on the subject, the price of labor or the wages of mechanics will be regulated by the demand for the manufactured articles and the value of that which is paid for it. But the right does not exist either to enhance the price of the article, or the wages of the mechanic, by any forced and artificial means. The man who owns an article of trade or commerce, is not obliged to sell it for any particular price—nor is the mechanic by law obliged to labor for any particular price. He may say that he will not make coarse boots for less than one dollar per pair, but he has no right to say that no other mechanic shall make them for less. The cloth merchant may say that he will not sell his goods for less than so much per yard, but he has no right to say that any other merchant shall not sell for a less price. If one individual does not possess such a right over the conduct of another, no number of individuals can possess such a right. All combinations, therefore, to effect such an object, are injurious not only to the individual particularly oppressed, but to the public at large. In the present case an industrious man was driven out of employment by the unlawful measures pursued by the defendants, and an injury done to the community by diminishing the quantity of productive labor and of internal trade. In so far as the individual sustains an injury the remedy by indictment is taken away by our revised statutes, and the sufferer is left to his action on the case. But in so far as the public are concerned in the embarrassment to trade by the discouragement of industry, the defendants are liable to punishment by indictment. If combinations of this description are lawful in Geneva, they are in every other place. If the bootmakers may say that boots shall not be made for less than one dollar, it is optional with them to say that ten dollars shall be paid or even fifty—and no man can wear a pair of boots without giving such price as the journeymen bootmakers may choose to require. This I apprehend would be a monopoly of the most odious kind. The journeymen mechanics might, by fixing their own wages, regulate the prices of all manufactured articles, and the community be enormously taxed. Should the journeymen bakers refuse to work unless for enormous wages, which the master bakers could not give, and should compel all the journeymen in a city to stop work, the whole population must be without bread. So of journeymen tailors, or mechanics of any description. Such combinations would be productive of derangement and confusion which certainly must be considered "injurious to trade." Such consequences would follow were such combinations universal. It is true that no great danger is to be apprehended on account of the impracticability of such universal combinations. But if universally or even generally entered into, they would be prejudicial to trade and to the public; they are wrong in each particular case. The truth is, that industry requires no such means to support it. Competition is the life of trade. If the defendants cannot make coarse boots for less than one dollar per pair, let them refuse to do so; but let them not directly or indirectly undertake to say, that others shall not do the work for a less price. It may be that Pennock from greater industry or greater skill made more profit by making boots at seventy-five cents per pair, than the defendants at a dollar. He had a right to work for what he pleased. His employer had a right to employ P. for such price as they had agreed upon. The interference of the defendants was unlawful. Its tendency is not only to individual oppression, but to public inconvenience and embarrassment.

I am of opinion that the offence is indictable, and that the judgment of the general sessions of Ontario county be reversed—*Venire de novo* to issue.

Copy opinion of the court.

J. L. WENDELL, state reporter.

*Here appears three small imperfections in our copy, and we fear to supply their places. ED. OF THE REG.

LEGISLATURE OF PENNSYLVANIA.

In senate, February 26, 1836.

Mr. *Baker*, from the committee appointed to inquire and report the facts connected with *an alleged attempt to corrupt the integrity and influence the vote of Jacob Krebs, one of the senators* from the senatorial district composed of the counties of Berks and Schuylkill, agreeably to a resolution of the senate of Pennsylvania, made the following report:

Your committee entered on the inquiry intrusted to them with the deepest impression of its importance. For the first time, as far as your committee are informed, it was alleged upon the floor of the senate, by a senator, that an attempt had been made to corrupt his integrity and influence his vote. This assumed additional importance, from the circumstance that, previously to this disclosure, it had been proclaimed to the world in a newspaper conducted by gentlemen to whom had been committed the printing of the journals of the senate, and who might therefore, in some respects, be considered as

officers of this body. The article alluded to was headed, "The people are betrayed," "The arts of the bank have prevailed," and contained the following expressions: "We cannot express the feelings of deep humiliation and dread with which we proclaim the startling fact. And when we state that one firm democratic senator has informed us that offers of large sums of money were made to him if he would vote for the bill, it is to be feared that this monster has resorted to the exercise of a most unprincipled and corrupting influence." That this article contained no names, tended rather to excite than allay intense feeling; every senator felt that his character was involved, until a full inquiry had been instituted, and disclosure obtained. To effect this, the printers referred to, Messrs. Samuel D. Patterson and C. Barrett. were, pursuant to a resolution of the senate, brought to their bar, and there disclosed that their information was received from Jacob Krebs, esq. a senator from Schuylkill county.

Your committee did not esteem it their duty to proceed further with the examination of Messrs. Patterson and Barrett, nor do they deem it proper for them to point out any course of action for the senate in relation to these individuals; they, however, think themselves justified in expressing the most unqualified disapprobation of their conduct, standing in the relation which they hold to this body. The testimony, in their possession, is no justification of the course pursued by them, and does not sustain the charge against the United States bank, to which they gave such extensive publication, and which was calculated, if not intended, improperly to excite the feelings of the community.

Mr. Krebs, in his statement made to the senate on the 10th instant, having disclosed (and, according to the testimony, for the first time) the names of James L. Dunn, of Reading, and Henry W. Conrad, esq. of the house of representatives, as the persons who had endeavored to influence his vote, the committee ordered Mr. Dunn to appear before them, and, by a resolution of the senate and consent of the house of representatives, obtained the appearance of Mr. Conrad. These gentlemen being implicated by the testimony of Mr. Krebs, who was examined by the committee as a witness under oath, the committee called on them separately for such statement or defence as they might think proper to make. The committee also examined Mr. Burd Patterson, Jediah Irish, John Ulrich, William Hottenstein, Frederick Rinehart, Jacob Gehr, William Ermentrout and Benneville Keim, as witnesses. The statements of the parties implicated, and the testimony of the witnesses, together with the minutes of the committee, being herewith submitted, the committee deem it unnecessary to do more than give the conviction of their own minds, upon a full examination of all the facts and testimony adduced.

First. The committee believe that the United States bank did not, either directly or indirectly, attempt in any manner to corrupt the integrity or influence the vote of Mr. Krebs, and that the article contained in the Pennsylvania Reporter and State Journal, of the 9th instant, before alluded to, and all the other allegations to the same effect, are wholly unfounded and unsustained by any shadow of testimony.

Second. The committee deem it inexpedient to express their opinion upon the conduct of Mr. Conrad, as he is a member of the house of representatives, and directly amenable to that body, and as they have no doubt but that house will adopt such measures as may be necessary to protect their own dignity, and that of the senate.

Third. As the character of Mr. Burd Patterson may be considered in some degree involved in the charges made, the committee think it right to say that all the testimony has satisfied them that he has in no manner attempted to corrupt the integrity or influence the vote of Mr. Krebs, and that his conduct, so far as it has been developed by the inquiry, is free from all suspicion of any dishonorable or improper act.

Fourth. The committee have examined with great care and much anxiety so much of the testimony as implicates Mr. James L. Dunn. It will be observed that there is some discrepancy between the testimony of Mr. Krebs and the voluntary statement or defence of Mr. Dunn. The committee rely implicitly in the veracity of Mr. Krebs, but, at the same time, they believe that the varying circumstances may be more nearly assimilated by supposing that Mr. Krebs (who, from his statement of the conduct of Mr. Conrad, appears to have been easily alarmed at any supposed approach to influence his vote) may have placed on the expressions of Mr. Dunn a more serious construction than they would properly have conveyed. Be this as it may, Mr. Dunn denies altogether that he had any intention or expectation improperly to influence the legislative action of Mr. Krebs; and the proof of the respectability of his character would lead the committee to confide in his statement. With every disposition to look at all that may extenuate the conduct of Mr. Dunn, and under the belief that he could not have deliberately intended or expected improperly to influence Mr. Krebs, the committee, notwithstanding, cannot withhold the expression of opinion that his language was highly improper, and deserving of their severe reprehension; they do not, however, recommend any further proceedings in relation thereto.

Fifth. It would be improper to close this report without some remark on the conduct of Mr. Krebs, a member of our own body, and of whom it is the disposition of the committee to speak with as much delicacy as their sense of duty will permit. They however deem it due to themselves to say that they esteem the conduct of this senator very reprehensible in not immediately communicating to the senate what he believed to be serious attempts to corrupt his integrity, and influence his vote. Had this been instantly done, much of the excitement and unpleasant consequences which have ensued would have been avoided. They deem his course the more reprehensible, as Mr. Krebs communicated the circumstances in whole or in part, with the suppression of the names, to different individuals, and made them the subject of a letter herewith submitted, which was read at a public political meeting in Schuylkill county. To support the dignity of this senate is the imperative duty of all its members; and your committee regret to say that a review of the circumstances constrains them to believe that the senator from Schuylkill county, in the excess of perhaps well-intentioned, but certainly misguided zeal, to effect the defeat of a measure to which he was no doubt honestly opposed, has most unhappily failed in the discharge of this duty.

The committee, having terminated the inquiry with which they were charged, offer the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

The Harrisburgh Intelligencer, says: "The committee appointed by the house of representatives, to investigate the conduct of Henry W. Conrad, a Van Buren anti-bank member of the house of representatives, for an alleged attempt to bribe Jacob Krebs, a Van Buren anti-bank member of the senate, to vote for the bill to repeal the state tax, made a report on Wednesday last, accompanied with the evidence. The report recommends, that Henry W. Conrad be reprimanded.

LEGISLATURE OF NEW YORK.

In assembly—Monday, March 7, 1836.

THE NEW BANK OF THE UNITED STATES.

Mr. *Parker* said he was about to present a petition on a subject which was as novel here, as were the circumstances which had called it out; and in doing so, he took occasion to tender his acknowledgments to the petitioners for having selected him as the medium through which to communicate to the house sentiments and views to which he could so heartily subscribe. The petition was from Ontario county. It was signed by about one hundred individuals, with some of whom he was acquainted, and he could say that they were among the most respectable in point of moral worth, capacity, commercial and agricultural enterprise. They asked the passage of a law, and that speedily, prohibiting the circulation in this state, of the bills of the bank of the United States, recently chartered by the legislature of Pennsylvania. Mr. P. went at some length into the policy of the measure, and the reasons which governed the petitioners, when with his consent, and on motion of Mr. *Wilkinson*, the petition was laid on the table with a view to an appropriate reference.

IN THE LEGISLATURE OF VIRGINIA.*

The following is a copy of the "expunging resolutions."—

Whereas, the senate of the United States did, on the 28th day of March, 1834, adopt the following resolution: "*Resolved*, That the president in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," which resolution now stands upon the journal of the senate:

And whereas, the general assembly of Virginia regard this act of the senate as an assumption of power not warranted by the constitution, and calculated to subvert the rights of the house of representatives, and the fundamental principles of our free institutions:

And whereas, this assembly deem it their solemn duty again to reassert, in behalf of themselves and the people of Virginia, the right of the constituent to instruct, and the duty of the representative to obey or resign—therefore,

1. *Resolved, by the general assembly of Virginia*, That the senators from this state, in the congress of the United States, be and they are hereby instructed to introduce, and vote for a resolution, directing the aforesaid resolution of the senate of the 28th day of March, 1834, declaring, "that the president, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," to be expunged from the journal of the senate of the United States, by causing black lines to be drawn around the said resolution, as it stands on the original manuscript journal, and these words plainly written across the face of the said resolution and entry —expunged by order of the senate of the United States.

2. *Resolved, also*, That this assembly regard the right of instruction "as resting on the broad basis of the nature of representation," and one of the vital principles of our free institutions; and that it is the duty of the representative to obey the instructions of his constituents, or resign the trust with which they have clothed him, in order that it may be transferred into the hands of those who will carry into execution the wishes and instructions of the constituent body.

3. *Resolved*, That the government of the commonwealth be requested to transmit the foregoing resolutions to each of the

*The matter that follows, though in type, was of necessity *cut-off*, in our last number. It is due to the *record*, however, that it should be inserted.

senators from Virginia, in the congress of the United States, with a request that they lay the same before the senate.

Agreed to by both houses of the general assembly. Feb. 20th, 1836. GEO. W. MUNFORD, *C. H. D.*

The following resolution, (says the Boston Daily Advertiser), "was adopted by both branches of the legislature of *Virginia*, and in the house of delegates, by a vote of 89 to 35, many of the same individuals voting for it, who now vote for the resolutions to instruct the senators in congress, to expunge the vote of the senate. Why do they not, before giving this instruction to their senators, first vote to expunge from their own journal, their own offensive act? It can be only because it has not been demanded, by the individual who wields the power, and bestows the patronage of the government of the union. Such a reversal of their own solemn judgment, pronounced upon full deliberation and discussion, exhibits an instance of inconsistency," &c. * * * * "It is a vain attempt to efface the memory of a truth which cannot be reversed or forgotten, and which will be the more conspicuous on the page of history, in proportion as attempts are made to obliterate it."

"*Resolved by the general assembly*, That the recent act of the president of the United States exerting a control over the public deposites, by causing them to be withheld and withdrawn, on his own responsibility, from the United States bank, in which they had been ordered to be placed by the act of congress chartering the said bank, is, in the judgment of the general assembly, *a dangerous and alarming assumption of power by that officer, which cannot be too strongly condemned.*"

Such was the resolution of the house of delegates, *last year!* To have done what they ought, in consistency and fairness, this resolution of Virginia should have been first "expunged!" It is fully as strong as that of the senate of the United States—It charges "a dangerous and alarming assumption of power——which cannot be TOO STRONGLY condemned."

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On the 3d of March, *William C. Rives* was elected a senator from Virginia, in the place of gov. *Tyler*, as follows:

House of delegates. A message was received from the senate, by Mr. Rives, stating that they have agreed to the joint resolution for the election of a senator of the United States, to supply the vacancy occasioned by the resignation of John Tyler, esq.

On motion of Mr. Wilson, of B. the house agreed to proceed to the execution of the joint order of the day.

Mr. Garland, of M. nominated William C. Rives, esq. of Albemarle.

Mr. Harris seconded the nomination.

Mr. Price nominated Joseph S. Watkins, esq. (but withdrew his nomination.)

Mr. McMullen nominated Mr. Price, but also withdrew the nomination.

Mr. Mallory stated that in voting for Mr. Rives, he must not be considered as thereby sanctioning the expunging resolutions. Reflection had confirmed him as to the propriety of his opposition to those resolutions. He believed a majority of his constitutions preferred Mr. R. and that gentleman, apart from his connection with those resolutions, would be his own choice. He should, therefore, vote for Mr. Rives, with this disclaimer, which he thought it his duty to make.

Mr. Harley said he should vote for Mr. Rives, under a belief that his constituents desired the re-election of an administration senator.

After a good deal of debate, in which Messrs. Price, Holleman, Wilson, of B. Gregory, Witcher, Garland, of M. Watkins, Powell and Dorman, took part, the nomination was announced to the senate, and the vote was taken as follows:

For Wm. C. Rives—Messrs. Banks, (speaker), Layne, Wiley, Miller, Wilson, of Bottetourt, Decamps, Turnbull, Mallory, Booker, Austin, Daniel, Samuel, Richardson, Hill, Vaughan, Smith, of Fauquier, Hickerson, Strange, Steger, Holland, Bowen, Davison, Watts, Watkins, Hail, of Grayson, Avent, Carrington, Coleman, Sloan, Nixon, Goodall, Harrison, Kincheloe, Fontaine, Holleman, Robinson, Neill, Hays, Straton, Harris, Taylor, of Matthews, Rogers, Garland, of Mecklenburg, Willey, Morgan, Chapman, Ingles, Sherrard, Brown, of Nelson, Leland, Fitzgerald, Woolfolk, Almond, Adams, McCoy, Cackley, Hopkins, Carroll, Madison, Shands, Williams, Marteney, Nicklin, Moffett, Conrad, Jessee, McMullen, Bare, Rinker, Harley, Critchfield, Moncure, Hargrave, Gillespie, Gibson and Saunders—76.

For Thomas W. Gilmer—Messrs. Grinalds, Craig, Henshaw, Benbring, Stewart, Hunter, of E. Ball, Wetherd, Fleet, Taylor, of L. Benton, Chapline, Masters, Dorman, Jett and Brown, of P.—16.

For John Tyler—Messrs. Southall, Garland, Smith, of G. and Cooke—4.

For John T. Brown—Messrs. Gilmer, Swanson and Botts—3.

For Chapman Johnson—Messrs. Drummond and Beard—2.

For Joseph S. Watkins—Messrs. Price and Hale, of F.—2.

For George W. Wilson—Robert Campbell—1.

For Linn Banks—John B. D. Smith—1.

For Absalom Hickerson—John M. Botts—1.

For Thomas H. Benton—G. Cuthbert Powell—1.

Mr. Rives 76, scattering 33.

Joint vote with the senate—Rives 95, scattering 41.

So *William C. Rives*, esq. was declared duly elected senator of the United States, to fill the vacancy aforesaid.

PROTEST IN THE LEGISLATURE OF VIRGINIA.

On the 11th of February, ult. the following protest was offered in the house of delegates of Virginia: We insert it by way of record.

Mr. Botts rose and said—Mr. Speaker: I must ask the indulgence of the house for a few minutes. The expunging resolutions have passed. We have had a long and arduous struggle, and the party with whom I have acted have sustained, I might almost say, an inglorious defeat, and we are compelled to submit. But one thing more is left for me to do; and that is, to carry out the design I intimated a few days ago on this floor—that of placing my protest on the journal of this house. It will be recollected, sir, that when I submitted my remarks on the expunging resolutions, I read in my place a protest, by way of argument, which I intended to offer, in the event that these resolutions should be adopted. That protest was thought by some to contain sentiments that might prove offensive and disrespectful to the house, which I did not design. I have, in conformity with the suggestions of some of my friends, reviewed that protest, and modified it, so far as to strike from it all that might be regarded as applicable to the members of this body, and retaining all that was justly applicable to the resolutions themselves. I am aware, Mr. Speaker, that there are one or two, or perhaps three, members of this house, who, from not being familiar with protests, regard it as a right belonging exclusively to the president of the United States. Such, I apprehend, is not the fact with a majority of this body, who, I trust, will recognize the right of any member to enter his dissent, and the reasons therefor, on the journal, to any measure of the body of which he may be a member, upon general parliamentary principles, recognized in every free government.

The protest is in the following words:

In the name, and on behalf of that portion of the people of this commonwealth, who have committed to my charge the preservation of their rights and their sacred honor, on the floor of this house, which it is my duty and determination, as far as in my power lies, to defend and preserve unsullied, and which I will, at the hazard of my life, restore as pure and undefiled as they came into my hands, finding all resistance vain, and all argument ineffectual in checking the fixed and unalterable determination of a majority which we have no means or power to control; and in the sincerity of my heart believing the instructions given to contain a requisition at war with the letter and spirit of the constitution, which will operate as a forfeiture of the dignity and character of this commonwealth; and regarding it as a measure altogether unworthy the ancient pride and dignity of Virginia, and it being manifest that it is calculated to carry out no question of principle or expediency beyond that of offering an oblation to executive power, and to force, by indirect, unprecedented and illegitimate means, the faithful representatives of this state from the seats which they occupy in the senate of the United States, by the voice of the people legally and constitutionally expressed, to be supplied from the ranks of a political aspirant, whose public history demonstrate the fact that he recognises no principle beyond that of promoting his own ambitious designs: I feel myself solemnly and imperiously called upon by every consideration of justice to my constituents and duty to my county, to enter my formal *protest* to the resolutions instructing the senators from Virginia in the congress of the United States, to introduce and vote for, a resolution directing the resolution of the senate, passed on the 28th March, 1834, declaring "that the president in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," to be *expunged* from the journal of the senate of the United States; as carrying no authority with it, the act required being itself a violation of that constitution which we and they have alike sworn to support, and as being undignified, unstatesmanlike and humiliating.

I protest against it, as a measure originally emanating from an impure source, adopted now to answer an end not contemplated by the constitution, or sanctioned by the usage of the country, and alike disreputable to the intelligence and pride of this state, which the independent people of this commonwealth have not, and I trust in God, never will sanction by word, thought or deed.

I earnestly and solemnly protest against it as the act of a party, not constituting, *as I think*, a majority in this state; *dominant here by accident*, who cannot be justified in taking advantage of the brief authority with which they have been clothed, to carry into effect their party views, *by an indirection* which I confidently believe will be reprobated and condemned by the great mass of the people of Virginia, when the violence of party spirit shall have passed away; and which I believe, will be a source of deep and lasting regret to its warmest supporters in this house, when their minds shall be freed from the trammels and shackles of party prejudice, and party passion, to which alone, I am willing to ascribe this most odious and detestable stain upon the fair fame of Virginia, as I will do *them* the justice to believe, that in the absence of all political excitement, such a measure could not have found a single advocate on the floor of this house.

My object in submitting this protest is, to present my objections to the measure in a more lasting and conspicuous form than can be done by a simple negative vote.

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 4—VOL. XIV.] BALTIMORE, MARCH 26, 1836. [VOL. L. WHOLE No.1,279

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

A supplement is given with the present number—which contains 24 pages of closely packed matter; yet without seemingly diminishing the large amount that remains staring us in the face! The desire is vain to keep-up with events and matters of record; but we shall do all that we can, to present, and as soon as we may, a sequence of articles that will faithfully preserve and hand down to posterity, a history of the occurrences of these momentous times. The present number is, as we think, a valuable one.

—

John Lang, esq. the senior editor of the New York Gazette, is dead! He was in his 67th year, and had been connected with the Gazette for near half a century. He was one of the kindest and best of men—a father in his profession, and a friend to every one worthy of his liberality—in thought, word and *deed*. The last time we saw the cheerful and benevolent and veteran editor, was at Washington, some few years ago—when Mr. *Seaton*, junior editor of the "National Intelligencer," wishing to gather together the "veterans of the press," as he called us, gave a dinner party, to *Joseph Gales*, then of Raleigh, N. C. major *B. Russell*, of Boston, *John Lang*, of New York, and the writer of this brief tribute to the worth of Mr. Lang. The five of us, only, were present, and had a pleasant time of it, to which Mr. Lang, with his great good humor, largely contributed.

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The steamboat line, on Monday last, commenced its regular trips between Baltimore and Philadelphia—on which day the Carroll brought from the latter to the former city, three hundred and eight passengers.

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The trip between Baltimore and Norfolk, called 200 miles, has been twice made by the steamboat Kentucky, in a little over thirteen hours.

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There are before the Massachusetts legislature *sixty petitions* for new banks, with a capital of more than *twenty-five millions of dollars*.

There is a large *batch* before the legislature of Maryland.

—

The Mississippi legislature adjourned on the 26th ult. The *Union bank* bill was laid on the table, and the *New Orleans* and *Nashville* rail road bill *failed*. The house insisted on locating it *east* of the Pearl river. The senate insisted on the *west*, and neither would recede, so the bill was lost.

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The following statement of the condition of the *bank of the United States*, at the beginning of last month, and also on the 4th inst. when the charter expired, is derived from the returns made to the treasury department:

	2d February.	*4th March.*
Loans on personal security	$21,518,874	$20,148,033
on bank stock	3,783,708	3,060,569
on other securities	15,038,136	17,385,708
	40,340,718	40,594,401
	60,191,478	58,345,107
Domestic bills of exchange	19,850,759	17,750,706
Funds in Europe	$343,652	nothing.
Specie	7,650,589	6,224,197
Circulation	21,802,355	20,114,227
Due from state banks	4,611,046	4,376,256
Due to do.	3,031,787	3,412,417
Notes of state banks on hand	2,319,871	2,350,591
Individual deposites	3,963,770	3,484,143
Public money of all sorts	592,108	346,853

—

The "*Richmond Enquirer*" says—The bank bill was yesterday indefinitely postponed in the house of delegates. It miscarried between the efforts of those who asked too much, and of those who would grant too little. Some were for running into an excess of about seven millions of new banking capital. Others, were against granting any or sufficient capital. The *juste milieu*, who were for avoiding either extreme, and were for allowing three or four millions, were outnumbered, and outvoted, and the bill was finally committed to the tomb of the Capulets. We regret the fate of the bill, because we had hoped that a reasonable addition would have been made to our banking capital, upon the condition of limiting the notes to at least $10.

—

The vice president of the United States, Mr. *Van Buren*, in a long reply to certain citizens of *Ohio*, at Cincinnati, says—

"From the bottom of my heart do I congratulate you upon the noble stand, which Ohio appears to have taken at this critical moment upon the subject of banks. Her course is deserving of all commendation, and may well be looked to by her older sisters in the confederacy, not only with admiration, but *with profit*."

The most prominent and the only leading measure, that was adopted by the state of *Ohio*, was the passage of a law to prohibit the circulation of the bills or notes of the United States bank of *Pennsylvania*, within that state—and to which *Pennsylvania* will resort to the *lex talionis*—very promptly. It will be an "unprofitable contest," and apply to the bills or notes of *all* the banks of Ohio: but Pennsylvania is clearly justifiable in this extreme act of discourtesy on the part of the legislature of Ohio. "Let the hardest fend off"—said the oyster knife to the oyster.

[It appears, however, that this part of the *Ohio* bill, was "dropped like a hot potatoe," before the bill was passed.]

In the legislature of New York, a following of the reported act of Ohio, seems to have been designed. The Albany Argus has this account of it:

"Several of the New York papers, we observe, labor under a misapprehension, that a proposition or "motion," is pending in the assembly, to prohibit the circulation, within this state, of the bills of the bank of the United States, recently chartered by the legislature of Pennsylvania. The question, it is true, came up incidently in the assembly, upon the reference of a petition from Ontario county, to suppress the circulation of the bills of the new bank in this state. Subsequently, another petition, of a similar purport, and from the same county, was presented; but both were laid upon the table, where they now lie, and by a vote indicative, we should judge, of a determination on the part of the house, not to act further in the premises.*

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The annexed paragraph from the Harrisburgh Intelligencer of Wednesday shows how universally the rail road system of improvement is about to pervade the state of Pennsylvania:

Between thirty and forty rail road bills were considered and passed in the committee of the whole, on Tuesday, in the house. A number of them were read a second time and passed. On Wednesday, those which had been read the second time, were agreed to on final passage and sent to the senate. The others were read the second time and passed. Something like sixty rail road bills have been reported to the legislature this session.

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It is stated that in one of the experimental trips on the Greenwich railway in England, the train of six carriages was conveyed at the rate of a mile a minute, or sixty miles an hour. This is annihilating space with a vengeance.

—

The bill to extend the charter of the Girard bank, Philadelphia, which was vetoed by governor Ritner, has passed both houses of the legislature of Pennsylvania, by a constitutional majority of two-thirds of each branch, and become a law, without the signature of the governor.

*It was laid upon the table, (otherwise rejected) until *November* next, by a vote of 87 to 14!

Banks, aye, mammoth ones, are becoming as plenty—"as blackberries," in their season; and the mills will be hard-worked to make paper enough. Among the multitude that are about to vex the public, and bring swift destruction on honest labor, we see that a state bank has been established with a nominal capital of 12,500,000 dollars! But this bank, like the rest, will not add any thing to the *solid* capital of the country—on which the operations of discreet banking should be based. The banks incorporated during the late or present sittings of the state legislatures, will probably exceed the amount of from *eighty* to *one hundred millions of dollars!* The *legislators* are mad.

—

The legislature of Ohio has passed a law prohibiting the establishment within that state of any branch or agency of the United States bank, chartered by the state of Pennsylvania. The section which prohibited the circulation of the notes of the bank in Ohio, was stricken out before the passage of the bill!

—

Two millions of the capital of the Citizens' bank of N. Orleans, negotiated with Messrs. Hope & Co. of Amsterdam, have been received, and the bank will go into operation next month. This is "*foreign*" capital.

—

The Baltimore and Ohio rail road company has been the *pioneer* in *subduing space*, by means of such improvements. It is admitted, as well in *Europe*, as in all other countries and states, that they have rendered more KNOWLEDGE, *the result of actual experiment*, as to the *use* of the *facilities* and POWER gained by rail roads, *than all the world besides!* This is great, but just, praise. They have accomplished things deemed *impossible* by theorists, and in several respects—especially in the *manufacture* of locomotive engines by them, and for their own road—as the following will shew.

The editor of the REGISTER was politely invited to witness the great experiment performed on Tuesday last—but was so situated that he could not attend. The result, however, is well stated in the extracts appended. We have to add only, that the *descent* of the planes was attended with no difficulty whatever—the *brakes* were not used at all, the steam being shut-off, or used only to counteract the power of gravity; and the engine, at all times, was entirely under controul of the engineer.

The result of this experiment is worth millions on millions of dollars.

From the Baltimore Chronicle of Wednesday last.

The members of the city council, with other gentlemen, visited Parr's Ridge yesterday, by invitation of the president and directors of the Baltimore and Ohio rail road company, to witness the experiment of running the engine up the inclined planes. The particulars of this experiment will be given, we presume, in the report of the committee of the city council.—We shall, therefore, content ourselves at present with stating, that the experiment was completely successful, demonstrating the practicability of using locomotive engines on the whole route to the Ohio, as there will not, we believe, be any other elevations so high as those at Parr's Ridge. The first inclined plane is 2,150 feet long, 2,050 feet at an elevation of 197 feet 2 inches per mile, and 100 feet at 201 feet 1 inch per mile. Up this plane the engine travelled with the following weight:

Weight of engine and tender	12½ tons.
Large car	5½
3 smaller cars at 1½	4½
50 passengers at 140 pounds each	3½
	26 tons.

The second inclined plane extends in length 3,000 feet, of which 2,800 feet have an elevation of 170 feet 2 inches per mile; 100 feet 227 feet 3 inches per mile; and 100 feet 264 feet per mile. The engine carried the train of cars up to the last 100 feet, when the three small cars were detached, and the engine started itself, carrying the remaining car and passengers to the summit.

The late hour at which the party returned prevents us from noticing this interesting experiment more in detail to-day.

—

A writer in the "American" of Thursday, says—

Presently we arrived [at the foot of the planes] where the big car was to be unyoked, and the company to be bestowed in the small ones. What was our surprise at this moment, instead of coming to a halt, to see the whole array, big car and all, shooting up the plane at the rate of five miles an hour. Mr. Gwynn, the engineer, took it into his head to disobey orders and to push upward with the entire train as it was.

The first plane is 2,000 feet long, and a considerable portion of it rises at the rate of 201 feet to the mile. We went up with great ease. The next plane is about 3,000 feet long. Its ascent is in one part, 170 feet to the mile—in another 227, and in a third part, 264 feet to the mile. Our progress was steady, vigorous and rapid, until we got within 20 paces of the top of the plane. Here we dropped the three light cars* and had the satisfaction to see the engine actually start from its position, on the plane of 264 feet, with all apparent ease, and drag the large heavy car and its company to the top.

The burthen borne in the experiment has been weighed, I understand, and amounts to 26 tons. The cars detached on the last plane are estimated at 5 tons, leaving 21 tons as the weight taken over 264 feet elevation in the mile.

The return down the planes was exceedingly interesting. The engine held back like a trained horse and brought us, with two burden cars in addition, (making an increase of about 8 tons), to the foot, at the rate of one or two miles to the hour, and varying at the pleasure of the engineer, who sometimes, to show his command of the train, stopped stock still. All this was done without the aid of the breaks, and simply by the backwark action of the engine.

It should be added, that a very strong wind prevailed, blowing "in the teeth" of the locomotive and the cars, at the time of the ascent—which much retarded their upward progress. Anthracite coal was the fuel used, with some wood—the *fan* of the engine not being in order.

—

Liverpool papers to the 14th ult. have been received at New York. Nothing interesting is related in them, except the following:

The *Paris Moniteur* of the 6th, contains the following important announcement:

"At the close of yesterday's setting of the chamber of deputies, all the ministers repaired to the Tuileries, and placed their resignations in the hands of the king."

The proceeding of ministers, thus announced by the chief government paper, is accounted for by a reference to the report of Friday's sitting of the chamber of deputies, by which it appears that ministers were left in a minority of *two*, on M. Gouin's motion relative to the five per cent. question, the numbers being 194 for the non adjournment of the question, and 192 for the indefinite adjournment of it, as required by ministers.

New victories are claimed in Spain, over the forces of Carlos; but still the war drags on, with much loss of life and great cruelty. A letter from Sarre, dated February 3, says—

The days of Mina are numbered—I mean as regards his political existence; for, sanguinary as he is, I would not that his life should be sacrificed to the just vengence of his countrymen! The representative of the queen in Catalonia—Mina, who ordered every fifth inhabitant in Lacaroz to be shot—Mina, whose horrible cruelties have caused thousands of Spaniards to quit, with disgust, the infant sovereign—that same Mina is now, at length, compelled to fly before the mob he created, and to seek a refuge from the fury of his own partisans, in the fort Montjouich, at Barcelona!

O'Connell's imputed job with *Raphael*, in causing him, in consideration of £2,000 paid for the expenses, to be returned for a borough in Ireland, was to be brought before the British parliament by Mr. Hardy.

In England, the ministry had a majority of 41 on an amendment to the address moved by sir *Robert Peel* against the proposed extension of the municipal reform to Ireland—the vote was, for the amendment 243, against it 284. The adversaries of government were, it is said, not prepared for so decisive a vote in its favor.

We have some valuable statistics from *England*—but they, with a large number of domestic articles of the same nature, must be deferred.

—

Nantucket is going largely into the silk business. This is characteristic of the enterprise of those famous hunters of the whale. The delicate fabric of the one employment is in singular contrast to the bold and daring dangers which are associated with the other. There is to be erected at Nantucket by the Atlantic Silk company, a steam silk factory, which is already in great forwardness.

—

The N. York American says—"The grand jury have, as we understand, found four bills of indictment against the journeymen taylors, for riot, and one bill against twenty-five of the same individuals, for conspiracy. These indictments will be tried next month."

—

On Wednesday last week, two auctioneers of N. York sold real estate in that city to the amount of $629,000. Two lots on Wall street sold, the first for $85,000, and the second for $60,000.

*They remained stationary, by the use of the *brakes*.

Twelve hundred and twenty-five houses were erected in New York, during the year 1835.

Eighteen pence a pound for choice cuts of beef. Two dollars for a good turkey. Eighteen pence a pound for North river bass. This in a land of plenty.

[*N. Y. Star.*

—

Twelve thousand bushels of American wheat, which had been carried to England, bounded there, and re-exported to the city of New York, were sold last week at 112½ to 118¾ cents, per bushel.

—

Information had reached Natchez (according to the Courier of that place, of March 4) by express, from Nagadoches, containing information as late as Feb. 6th, by which it is positively affirmed that Santa Anna, with his army, is on his march upon Texas. Six hundred troops, of his forces, have arrived at Matamoras, making that garrison 1,000. There are 1,000 on the Rio Frio; 1,000 more on the march to the Rio Grande. A simultaneous attack is meditated on Goliad and Bejar. The cavalry are said to be very choice, well armed with lances, muskets, pistols. Santa Anna has sworn to *take Texas or lose Mexico.*

—

The Philadelphia National Gazette says—

It is authorised to state, that *Burd Patterson*, esq. of Pottsville, Penn. will give one thousand dollars a ton, for ten tons of good iron smelted with anthracite coal. The march of improvement and invention is onward; and the day will doubtless come when anthracite coal may be successfully applied to the smelting of "good" iron.

—

The editor of the Newark Advertiser acknowledges the receipt of a bunch of Isabella grapes, preserved fresh until this time, by a process discovered by Mr. C. A. Harrison of that place. They are said to be part of about two bushels which were plucked from the vines in September last; and are described as being as fresh, plump and luscious as on the day they were gathered. The process of preservation, the knowledge of which, for the present at least, Mr. Harrison reserves to himself, is said to be entirely simple and practicable, so much so that, when the vessels are once procured, a hundred bushels of the fruit may be preserved at an annual average cost of about *one* dollar.

—

We find the following paragraph in the Chicago American, of the 27th ult.

"Rumor says the Indians on our frontiers are discontented, and that those who were removed west of the Mississippi last year are returning. If such be the case, we may have another Black Hawk affair. The number of warriors in the neighboring tribes is estimated at 4,000 to 5,000. The country is wholly unprepared for resistance in case the Indians should commence hostilities."

—

A remarkable fact—The church at Southampton, Mass. was organized in 1743, and they have had but two clergyman in all that time, the first serving a period of 60 years, and his successor still holding on. This speaks as much in favor of the congregation as of their pastors. Such instances of uninterrupted harmony are but too rare in our country. [*N. Y. Star.*

—

Oak wood was sold in Philadelphia, last week, at twenty dollars a cord. The harbor had then been blockaded with ice for two months. It is now at about six dollars.

—

The Hudson Gazette says:—"This day makes 108 days that the ground has been covered with snow; a thing, we may venture to say, unknown in the history of America since its first settlement. We may reasonably expect, from present appearances, that the snow will last 20 days longer."

—

The Columbia (Pa.) Register says:—"If any evidence in addition to our senses were wanting to prove the excessive severity of the present winter, the fact that many deer have been found dead in the woods, in the upper townships, in this county, is conclusive. They are generally found standing erect braced in the snow."

The Philadelphia Herald gives a map of the district of country between Philadelphia and Baltimore, exhibiting the route of the several rail roads which combined are to connect the two cities. The first issues from the southern section of Philadelphia, passes the Schuylkill near its mouth, and runs through Chester along the banks of the Delaware, a distance of *seventeen* miles to the Delaware line, where the Delaware company takes it up, and continuing for some distance near the river, passes through Wilmington along the wharves, thence through Newport and Stanton, a distance of *twenty-three* miles to the Maryland line, where the Delaware and Maryland company commence and carry it on through Elkton and Charlestown, for *nineteen* miles to the Susquehannah river at Havre de Grace. Thence to the Canton wharves at the eastern extremity of Baltimore, the distance is *thirty-four* miles. It is confidently expected that the whole line will be ready for travel by next winter.

A straight line between the two cities would be eighty-seven miles in length; the present steamboat route is one hundred and five miles; and the route by the above rail roads will be ninety-three. [*American.*

—

Three men and thirty-four horses were consumed by fire, in New York, on the morning of the 16th instant. The distress and agony of the horses, evinced by their deafening cries and contortions of body, were heart-rending to the beholders, who were unable to render them assistance.

—

Winchester and Potomac rail road. The Winchester Republican says—"Operations have commenced on our rail road." On Monday, the locomotive *Tennessee*, began its regular trips between Winchester and Harper's Ferry. For the present, says that paper, "the cars will start for the Ferry at about 7 in the morning, to arrive there in time for passengers to proceed immediately in the Baltimore cars, and will leave the Ferry (for Winchester) as soon as the cars from Baltimore arrive in the afternoon."

—

Profits of canals. On the 8th inst. the commissioners of the New York canal fund made their annual report to the legislature of that state, giving the amount of tolls on the several canals for the last navigation season; together with the rates of toll for 1835, the rates established by the canal board for 1836, and the minimum rates fixed by the constitution: and also a detailed account of the business done upon the canals.

The amount of tolls collected on the several canals is as follows, viz:

Tolls on the Erie canal		$1,375,821 26
"	Champlain canal	116,131 10
"	Oswego canal	29,180 62
"	Cayuga and Seneca canal	20,430 14
"	Chemung canal	4,714 98
"	Crooked Lake canal	1,830 55
	Total	$1,548,108 65

This exceeds the collection for tolls in 1834, by the sum of $208,001 89.

—

Lake Erie and New York canal. A committee at Buffalo have made a report to her common council of that city, from which we gather the following information as to the opening of the canal and lake at that place, and at Albany, for nine years past.

Year.	*Canal opened at Buffalo.*	*Canal opened at Albany.*	*Lake Erie open at Buffalo.*
1827	April 21	April 21	April 21
1828	" 1	" 1	" 1
1829	" 25	" 29	May 10
1830	" 15	" 20	April 6
1831	" 16	" 16	May 8
1832	" 18	" 25	April 27
1833	" 22	" 22	" 23
1834	" 16	" 17	" 6
1835	" 15	" 15	May 8

Here it will be perceived, that the canal at Buffalo and Albany, and the lake, at Buffalo, were never, during those nine years, except once in 1828, open so early as the 1st of April, and never but that one year open before the 15th of April. In three of those nine years the lake at Buffalo was closed till after the 7th of May. In six of those nine the lake at Buffalo was closed until after the 20th of April. In eight of those nine years the canal was closed, both at Buffalo and Albany, until the 15th April.

—

Ohio and the rail road. The following important resolutions have passed both branches of the legislature of Ohio. Evincing the sense of that powerful member of the confederacy as to the national importance of this

great work, they cannot fail to exert a proper influence whenever the matter in question may come before the legislature of the nation.

Resolved by the general assembly of the state of Ohio, That we deem the completion of the Baltimore and Ohio rail road as a measure of great importance to the western states, and affecting in some measure the interest of the whole union; and therefore that it be recommended to our senators and representatives in congress to use such means as they deem expedient to procure aid from congress towards the accomplishment, at an early period, of so desirable an object as the completion of the Baltimore and Ohio rail road.

Resolved, That his excellency the governor be requested to forward a copy of the foregoing resolution to each of our senators and representatives in congress.

The New York Gazette says:—"Yesterday was the eighty-eighth day since the awful conflagration which visited our city; and yet, in many places throughout the burnt district, the ruins are still smoking.

Vastly important! We understand that Mad'lle Celeste visited the ladies of the president's family on Saturday, and expressed a desire to see the great hero of that city, where she had lately won golden favors, in almost as much abundance, as he had won laurels. The cabinet council of the nation happened to be in deliberation at the time, but what was that to the entreaty of so fair an applicant to the honor of an interview? The doors were accordingly thrown open, and the fascinating little *danseuse* was received duly by the president, surrounded by the national executive, with all that distinguished courtesy, for which he is remarkable. It may be readily believed, that the winning manner of the fair visitant left the most favorable impression on the eminent company. [*Georgetown Metrop.*

APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.

Robert R. Reid, to be judge of the United States for east Florida.

J. A. Cameron, to be judge of the United States for west Florida.

James Webb, to be judge of the United States for south Florida.

John Forsyth, jr. to be attorney of the United States for the southern district of Alabama.

Thomas W. Oldfield, to be consul of the U. States for Lyons, in France.

Richard P. Waters, to be consul of the United States for the island of Zarzibar, in the dominions of the sultan of Muscat.

MONEY. The following notice of the state of the money market at Philadelphia, is from Bicknell's Reporter:

Money continues scarce—very scarce. On Saturday last, good paper was offered at one per cent. per month. The market was somewhat easier yesterday; very little, however. A change for the better must soon take place. The New Yorkers and Bostonians, who have been forwarding their stocks to our market for the last fortnight, and have thus been absorbing our capital, will not be permitted to do so any longer with impunity. Our capitalists have commenced retaliating upon them, and the New York market will soon be, if it is not already, in as bad a condition as our own. Some may think that this will not relieve us—it cannot do otherwise, however. The great difficulty with us has grown out of the immense amount of stock in our market, and the high price at which it sold here. We allude, of course, to the stock of the bank of the United States, and assure the holders of the "article" that it will not now bring a higher price in Philadelphia than any where else—that in fact it will not bring what it is really worth here, in consequence of their being so much in the market. Stocks are like every thing else—when the supply is greater than the demand, the article will depreciate in price.

GREAT LAW SUIT. The New Orleans Union of the 23d ult. says. "The suit so long pending between the United States and the city has at length been terminated by the decision of the supreme court at Washington, against the claims of the government. The consequences of this decision to the city are of an important nature. The sum of $1,600,000, the proceeds of the sale of the lots on the levee, and which amount is now in the city and commercial banks, will become the property of the city; this is more than sufficient to pay the whole debt of the city, and thus removes one of the most serious objections to the bill of Alderman Labatut, dividing the city into three sections."

ILLINOIS. The country along the Mississippi and Illinois rivers, comprising the territory of Illinois, was discovered in the year 1673, by Marquette and Joliette, who had been sent to explore it by the gov. of Canada. Kaskaskia, Caliokia and several other villages were founded in 1683. In 1763, the territory was ceded to Great Britain. In 1783, it formed a part of Virginia, In 1787, it formed—with Indiana—the territory north west of the Ohio. In 1809, it was organized as a separate territory, and in 1818 was admitted into the union. At the time of its admission into the union it contained 35,220 inhabitants; in 1820, 55,211; in 1830, 157,445. The increase during the last five years has been very great. Illinois has already projected and commenced a system of internal improvements, on a scale worthy of the oldest, most populous, and richest states in the confederacy. The "young giant" has a glorious course to run, and he has started with a strength and vigor worthy of all admiration.

THE WOOL BUSINESS. We understand that large importations of wool are daily expected *into this wool growing region*, from the east and south west. Eighty-five thousand pounds will ascend the Ohio, shipped from Mexico, via New Orleans, and 230,000 will arrive by the Pennsylvania canals, importations from Mogadore, in Africa, via New York and Philadelphia. The manufacturers are able to purchase this wool from abroad, and pay the carriage here, cheaper than they can buy it from our farmers. The inevitable consequences will be, that the present prices must come down. [*Wheeling Gaz.*

REVENUE. The amount of revenue collected in the port of New York for the last year, exceeds the revenue of the former years by *forty per cent.* The estimates being the same, the surplus of course goes into the deposite banks. In 1828 the amount was twenty-five millions imports—last year there was ninety millions. [*Star.*

Lexington, (Ky.) March 15. We regret to learn by a gentleman of this city, who was in Frankfort on Friday night last, that the arsenal, containing the public arms, was discovered to be on fire between 2 and 3 o'clock Saturday morning, and such was the progress which the devouring element had made before it was discovered, that the building, with all it contained, was destroyed. Not a sword, musket, cartouch box, nor trapping, was saved.

The cause of the disaster, whether the effect of accident or design, had not transpired when our informant left. [*Intel.*

NEWS FROM TEXAS. *Randolph, Tennessee, March* 1. Volunteers are returning from Texas. As we heretofore predicted, they have found any thing else there than food for a frolic, and report very discouragingly of the inhabitants of the country. In the camp at San Antonio, the troops had been entirely out of bread-stuff some days before our informant left, their food being Spanish beef. We wish not to cast a damp feeling upon the spirit of those disposed to see Texas free from the Mexican government, our own opinion being what it may. We are a friend to liberty any where and every where, in its pure sense; but any information, whatever it may be, from Texas, we feel bound to give. Many that have returned from that country speak of the land as being rich and productive. But of its inhabitants they give a miserable account. They are said to be very poor, and care not a fig under what government they live. We speak of them generally: doubtless there are exceptions. The volunteers even have to pay for the food for their horses; say there is no money there excepting what the volunteers take with them, and that the majority of them are returning. The principal object of the majority of the inhabitants that fight is plunder and pillage. The country is now free from Mexican troops, but Santa Anna is expected in the spring with a powerful army. The inhabitants are said to be indolent, and quite contented. The only lands that can be given to volunteers are upon the head waters of the streams,

and back in the interior, the fine lands on the navigable streams being included in the grants to companies by the government. The weather during the winter has been a continual stream of sunshine—no rains for two or three months. [*Recorder.*

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Charleston, March 14. We are indebted to an officer lately in the Texian naval service, who arrived in this city on Friday last, via New Orleans, and who left *Victoria*, a port in Texas, on the 8th ult. for several particulars in relation to the state of affairs in that territory. Our informant states that gen. Houston arrived there from the Mission de Refugio, (which at that time was head quarters) on his way to San Felippe, the seat of government, some difficulty having taken place between governor Smith and the provisional government, who had not, however, resigned. The troops were concentrating at *Copeno.* They were to move on the 1st March, and the forces consisted, as well as can be recollected, of the following: at the Mission 180; at Labadie, 110; at Copeno, 210; at Bezar, 80. 100 men had landed at Dimmot's point from North Alabama, about the 10th February; 180 sailed from New Orleans about the 23rd. They are the troops that left New York, and were carried into Nassau, N. P. Colonel Fanning commands the forces at Copeno. The gallant corps of volunteer greys from New Orleans had generally returned, disgusted with the service, saying that they would no longer fight to *enrich* a few *land speculators;* they went to establish the *liberty* of the country. The general supposition in Texas was that there would be no fighting until the summer was far advanced, as the insurrection of two generals of Santa Anna's occasioned a division of his forces, which at no time amounted to more than 8,000 troops. *Col. Bowie* had gone amongst the Camanche Indians to have a talk, and he will endeavor to keep them quiet.

Elections were going on at the time our informant left for members to the new convention which was to assemble on the 1st March. On the the 4th March the Texian *declaration of independence* was to be made at San Felippe and the provisional government under the new order of things instituted.

[*Patriot.*

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High prices in the west. We are informed, by an intelligent gentleman from the west, that the prices of pork, wheat and provisions generally, were never known so high as they are at this moment in Kentucky, Mississippi and the adjoining states. Pork, for example, running alive in the streets, brings $7 a hundred; and wheat from $2 to $3 a bushel. At Chicago, we have already known that pork was selling for $25 a barrel. At Louisville, Kentucky, and other places along the Ohio and Mississippi, we learn that the prices are equally exorbitant. The explanation given is this: During a few years past, the Atlantic states, in the south, have turned their attention to the more valuable culture of cotton, tobacco, rice, &c. and mean-while the western states have been filling in to an almost incalculable extent, with the flood of emigration constantly setting in that direction. Thus, Indiana, two or three years since, contained about 300,000, and now has 600,000 inhabitants. The population of the whole union has gone on increasing rapidly. Thus the demand for grain and provisions and live stock has been greatly increased in the states for example along the valley of the Ohio, where they are most abundantly produced, and secondly, the demand has been further increased by the attention of the planter, in the cotton growing states, being almost exclusively directed upon that and the other precious staples of the south. [*N. Y. Star.*

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New Orleans, Feb. 20. The ship Unicorn, capt. Lindsey, which has just arrived at this port from Trieste and Marseilles, has on board three jacks and three jennies, which, we understand, are beautiful animals of the kind. The Unicorn touched at Malta for the purpose of bringing them to this country, for that public spirited individual Henry Clay, esq. to whom his adopted state is greatly indebted for this and other valuable acquisitions, accomplished without regard to labor or expense.

[*Commercial Bulletin.*

THE SEMINOLE WAR.

Charleston, March 14. The schr. George and Mary, captain Willey, arrived at this port on Saturday, in 40 hours from St. John's (E. Florida.)

We are indebted to capt. Willey for the Jacksonville Courier of the 10th inst. from which we have copied the interesting intelligence from the seat of war, given below.

Capt. W. informs us that the steamboat Florida arrived at Jacksonville late on Thursday afternoon, from Picolata, but brought no news in addition to what is given below:

LATE NEWS FROM GEN. GAINES.

The intelligence from the Wythlacoochee continues to be of great interest and importance. Soon after our last publication, we learned that gen. Gaines continued fighting the Indians. After the battle of the first day, gen. G. found thirty Indians killed. He had two of his men killed, and several wounded. On the third day the Indians crossed the Wythlacoochee to attack him. He having taken only eight days' provisions, and being thus closely pressed, sent for reinforcements, provisions and ammunition. Gen. Clinch, being under the orders of gen. Scott, and having received no order to send the provisions for the army, sent corn from his own plantation, and Mr. B. M. Dell started with upwards of eighty head of cattle.

They had not proceeded many miles, when an express arrived from gen. Gaines, containing the intelligence that he was entirely surrounded by the Indians, and, unless he received provisions, he should be under the necessity of cutting his way through them, leaving his wounded. He requested the assembling of the Alachua militia, to guard the provisions sent him. After receiving this unexpected intelligence, the provisions, which were on their way, were ordered back. The soldiers of Alachua, though so unceremoniously discharged, and who refused to be disbanded in the present defenceless state of the country, assembled to the number of about two hundred, to go to the assistance of gen. Gaines.

The following extract of a letter, received by colonel Dill from captain Pries, dated 4th instant, contains some further particulars:

"You may not have heard of the recent occurrences here. Gen. Gaines was attacked last Saturday evening on this side of the Wythlacoochee, and has been fighting ever since. Sometimes he has three fights in the day and one in the night. At one of the fights there were found dead thirty Indians and one negro. The result of the others we have not heard. At the last advices, the loss to the army of 1,200 men was, 4 killed and 36 wounded. But we have heard the cannon several times since, firing very heavy.

"Alachua companies left here about one o'clock this morning in a very hard rain, in order to assist in guarding provisions and ammunition to the Wythlacoochee, both of which general Gaines is much in want of. We understand that two days since gen. Scott, with his forces, was at Picolata, and that two different expresses have been received from him."

From the same.

By the arrival of Mr. Samuel Harrison from Alachua on Tuesday evening last, we are furnished with still later information.

Gen. Clinch, with his forces, in conjunction with the Alachua militia, making in all about eight hundred, had gone to aid gen. Gaines. He reached the camp on Saturday last, and effected a junction with him. With their united forces, amounting to nearly two thousand men, gen. Gaines intended crossing the Wythlacoochee on Monday last. His boats, floating bridges, &c. were all prepared. He has four twelve pounders with which to cover his landing on the opposite side of the Wythlacoochee. The Indians will undoubtedly make a desperate struggle to prevent his crossing. Mr. Harrison says that on Monday the cannon were distinctly heard. It is all over now, and we are anxious to learn the result. He states that gen. Gaines has never shown to the enemy more than about 200 men at one time. That in every instance of an attack, whether by night or day, he was prepared for them, having anticipated the movements of Oceola. In this way he made great havoc among the enemy, having killed several hundreds of them. His loss, before gen. Clinch joined him, was only eight killed and about forty wounded. Mr. H. says that, in his express, gen. Gaines said he had men enough, and asked only for provisions and ammunition.

From some observations made by gen. Gaines, the number of Indians is estimated at between two and three thousand.

By some negroes, who have escaped to the whites, it is stated that, the Indians have made a fortification on the other side of the Wythlacoochee, only four miles distant. It is made of earth and fascines, and surrounded by a wide moat. This is at Oceola's town, and is probably the stronghold of the enemy. It is impossible to say how much credit is due to these reports of the negroes; but in most other instances since the commencement of hostilities much has been lost by not crediting their statements. Gen. Gaines intends marching for this place after crossing the river. There he will learn whether Oceola yet knows how to make fortifications which can withstand our means of battering them down. Before that place is taken the one in which the women and children probably are, the struggle will be severe. It will be the fight of death to many.

Should gen. Gaines succeed, as he probably has before this, he will have conquered the Indians, and they must either surrender, or betake themselves to the hammocks and swamps for the purpose of concealment and eluding the whites. By all his movements gen. Gaines has evinced great skill, and has shown that he perfectly understands the enemy with whom he has to contend. The manner in which he cuts them off with so little loss to himself, shows that he has been no idle scholar in the art of war. We now confidently expect a speedy close of this savage warfare, and that Oceola's boast of five years will be a short five months.

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The following statement of the officers and soldiers who marched from Tampa Bay with gen. Gaines, furnished by lieut. T. Paige, who was one of the number, is possessed of interest at this moment:

Officers—Maj. gen. *Gaines*, commanding.
Lieut. col. *Twiggs*, commanding brigade.
Capt. *Shannon*, quartermaster.
Capt. *Hitchcock*, } staff.
Lieut. *McCall*, } staff.
Lieut. *Izard*, } staff.

Lt. col. *Foster*, commanding the 4th regiment United States infantry, seven companies, two hundred and sixty-five soldiers. Officers—Lieut. col. *Foster*, major *Wilson*, major *Lear*, lieutenants *T. Paige*, *Screven*, *Buchanan*, *Alvord*, *Scott*, *Myers*, *Mitchell*, and *Reese*.

Major *Belton*, commanding artillery, four companies, one hundred and seventy soldiers. Officers—Major *Belton*, majors *Mountford* and *Zantzinger*, lieut's *Grayson*, *Linnard*, *Adams*, *Duncan*, *Stockton*, *Henderson*, *Allen*, and *Morgan*. Medical staff—Drs. *Heiskell*, *Leavenworth*, *Cuyler*, and *Reynolds*.

A regiment of Louisiana valunteers, twelve companies, seven hundred soldiers, commanded by col. *T. F. Smith*, together with seventy friendly Indians.

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From the Charleston Courier of 14th instant.

An impression has been very general in this quarter, from recent accounts received from Florida, that a hostile feeling exists between gen. Scott and gen. Gaines, and some letter writers have gone so far as to state that the former was determined not to afford assistance to the latter to extricate him from the perilous situation in which he was placed, previous to the receipt of our last advices from the banks of the Wythlacoochee.

An officer of the army, who arrived here on Saturday, in the steamer *John de Mongin*, assures us that there is not a shadow of foundation for these erroneous impressions. On the contrary, at the moment of his leaving Picolata, (6th instant,) there was not a man in the army of Florida, who felt more anxiously for the safety and success of general Gaines and his brave associates, than did general Scott himself; and it was believed, at the moment of his departure, that gen. S. who had then concentrated, at that point, about 2,000 men, would dismount as many of them as practicable, and, for the want of other sufficient means of transportation, load the horses with ammunition and provisions, and make a forced march to succor the detachment under general Gaines.

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Many volunteers continued to arrive, to supply the place of others discharged, and increase the army in the field. It is supposed that gen. *Gaines* would immediately advance on the Indians, and force them, if possible, into a general action.

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The following distinguished officers of the U. S. army are now at the seat of the Indian war in Florida—major general Macomb, brevet major general Scott, brevet major general Gaines, brigadier general Eustis, brigadier general Clinch, col. Lindsay, col. Crane, col. Bankhead, col. Gates, major Kerby, major Belton, major Twiggs, major Whiting.

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An officer of the Georgia volunteers who marched to Fort King with gen. Clinch, writes as follows:—

To give some idea of the scarcity at Fort King I will mention that $3 was paid for one biscuit, $1 per gill for liquor—$20 per gallon was offered for liquor, and would have been given readily. I think in one instance $100 was offered for one gallon. Money was of no use, grog usurped its place, and would buy any thing in the eating line. I offered a U. S. soldier twenty-five cents for his cup of coffee, and he would not take it, but would have given it up instantly for a drink of liquor. The generous fellow divided it with me and would not charge a cent.

Provisions had, however, become plentiful; supplies being furnished, at convenient points, by steamboats.

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From the Savannah Republican.

Extract of a letter, dated Picolata, March 2.

"Captain Kenan's troop (the Baldwin cavalry, 90 men) who arrived here about a week ago, *refused* to be mustered into the service of the United States, except about 20, with captain Kenan himself, who has acted handsomely. The day before yesterday, ten or more of them, mounted their horses, and returned to Georgia—and yesterday, I had the mortification to see about 50 of them abandon their commander, and the few mustered with him into service, and rode in a body towards Georgia. They passed major Cooper's battalion about three miles on the western bank of the river, opposite Picolata, and their friends in the battalion endeavored to persuade them to return, but in vain.

These men came from Georgia with very wrong impressions. They thought they would be received as an independent corps, without being mustered in the U. S. service. Capt Kenan did all he could to induce them to comply with the necessary terms, but they obstinately refused, although fond of their captain. Kenan is yet here—he has acted nobly, but his pride is greatly hurt by the conduct of his troop."

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Despatches were received at the adjutant general's office, Washington, on Saturday evening from major general Scott, from which the following are extracts:

"*Head quarters: army of Florida.*

between Picolata and Gary's Ferry, March 9, 1836.

"SIR: I have just set out for Fort Drane, via Gary's Ferry, on Black creek, with two companies of regulars, and intending to take with me from the latter place the small battalion of mounted Georgians, (heretofore mentioned,) under the command of major Douglas. Lieut. colonel Bankhead is at the head of the first detachment, and the two together make a total of about 240. But even this small force may be important to rescue major general Gaines.

"I had not received the slightest information of the operations on the Wythlacoochee (official or otherwise) of a later date than the 29th ult. up to this morning; and had concluded that he had effected his march, with more or less success, against the enemy, upon Tampa Bay, when at daylight, the steamer, that I am now in, arrived, and brought the rumor which is confirmed by the two accompanying notes from paymaster Little, received about six hours afterwards. On the reception of the rumor I immediately commenced preparations for this movement, but being delayed by the necessity of unlading and relading the boat, I am now at anchor at the mouth of Black creek. I hope to put the troops in march, from Gary's Ferry, early in the day to-morrow, and to reach Fort Drane, with a small escort, the day following. It is possible that even these little detachments of horse and foot may reach the Wythlacoochee in time to render a valuable service.

"I am aware that the movement that I am making may be condemned, if regarded in any other light than a rescue, as premature. Colonel Goodwin's mounted regiment only arrived at St. Augustine last night or this morning; and consequently, the left wing cannot be in force on the Ocklawaher, in the direction of Pi-lak-a-le-kaha, earlier than the 17th, or up with the enemy before the 20th inst. Col. Lindsay, who may have already arrived at Tampa Bay, cannot operate more than two days' march from that place from the want of the means of transportation, major general Gaines having taken away the horses which were there, and the basis of the right wing is merged in the force brought by that general into the field, and must participate in his success or failure. If it falls back with him upon Fort Drane, it must suffer great loss, and if it follow him to Tampa Bay, it will be wholly out of position.

"In this and even in a greater state of uncertainty I have been ever since the 26th ultimo."

Gen. Scott then proceeds to give the reasons which have prevented him from having placed in advance a larger quantity of provisions, which were necessary to his operations. These have resulted from the nature of the country, where good roads are not to be found—from the wetness of the season and from the deficiency in the means of transportation, arising from causes entirely beyond his control; while at the same time the troops under maj. gen. Gaines have occasioned a greater consumption of provisions than gen. Scott had calculated would be required.

N. B. The amount of gen. Gaines' last express to gen. Clinch, dated 3d inst. was merely copies of his previous letters, with a note stating that the Indians were still around him, but little or no fighting had taken place since last communication.

The following is a copy of the letter of the 8th, from paymaster *Lytle:*

Fort Drane, March 8, 1836.

SIR: By direction of gen. Clinch, I opened your communication of the 6th instant, which arrived late last night in advance of the wagons. You will perceive by my letter of the 5th, that gen. Clinch, with all the forces at this post, and one hundred mounted men from the vicinity, had left for the Wythlacoochee, to escort a small supply of cattle, ammunition, &c. to general Gaines, having received the night before a third express from that officer. No word has been received from either of those generals since the 5th.

When gen. Clinch left here, he expected to be back on the 9th. The probability is, that the wagons will return without an escort, there being at present no troops here, and should gen. Clinch get back before the wagons depart, his men may be too much fatigued to march again immediately; but this of course is merely conjecture. I am satisfied, however, that gen. Clinch would advise that an escort accompany the wagons back to this place when reloaded.

Capt. Graham being directed by gen. Clinch to send back the wagons for supplies after their arrival here, will send them to Gary's, as being the best road.

Very respectfully, &c. J. S. LYTLE.

Maj. gen. Scott, U. S. A. commanding in Florida.

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The Indians attacked gen. Gaines with such boldness, and approached so near to his entrenchment, that many of his command, who were engaged in defending the right flank of the entrenchment, were wounded in the back by balls fired by the Indians on the left flank.

Our readers will thus perceive that, ere this, in all probability, the sun of Oceola has set—the lamented deaths of Dade and his gallant brethren been avenged, and fresh laurels added to the brows of our gallant regulars and not less gallant volunteers.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

March 18. Mr. *Nicholas* offered the following resolutions, which lie one day for consideration:

Resolved, That the committee on public lands be instructed to inquire into the justice of granting to the state of Louisiana 500,000 acres of the public lands, within the limits of that state, in consideration of the great benefit derived from the levees made and kept up at individual expense, and the improvements, at the cost of the state, of the water courses, which, by act of congress, are declared American highways, forever free from any tax or toll imposed by said state.

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of an appropriation for building or purchasing and equipping one or more steam vessels, to be employed in giving more effectual protection to the trade between New Orleans and the several ports of Mexico.

Resolved, That the secretary of the treasury be directed to communicate to the senate any information in his possession

as to the expediency and probable cost of erecting a suitable building for the custom house and district court in the city of New Orleans.

Mr. *Southard* offered the following resolution, which lies one day for consideration:

Resolved, That the committee on commerce be instructed to inquire into the expediency of making legislative provision for the employment of boys in the merchant vessels of the United States, in proportion to their tonnage.

An act authorising the conveyance of certain lands belonging to the university of Michigan, was read a third time, and passed.

Several bills from the other house were read and referred.

The expunging resolution offered by Mr. *Benton* being in order—

Mr. *Benton* made some observations on the subject, and concluded with moving the postponement of the further consideration of the resolution till Monday, the 4th of April, and that it be made the special order for that day;

Before Mr. *Benton* concluded his remarks—

The senate adjourned to Monday.

March 21. The *chair* laid before the senate a communication from the department of the navy, transmitting, in obedience to a resolution of the senate, the amount standing to the credit of the navy hospital fund, [$66,243].

The *chair* also laid before the senate a communication from the treasury department, transmitting, in obedience to a resolution of the senate, the amount paid by the United States for lands purchased from the Indian tribes from the commencement of the government to September 30, 1835.

Mr. *Rives* presented instructions from the Virginia legislature, in favor of the expunging resolution.

Mr. *Buchanan* presented instructions from the legislature of Pennsylvania, in favor of a distribution of the proceeds of the public lands among the several states.

Mr. *Southard*, from the committee on naval affairs, reported a bill to authorise the fitting out of an exploring expedition to the south pole; which was read, and ordered to a second reading.

The resolutions on the table, offered by Mr. *Grundy*, Mr. *Nicholas*, and Mr. *Southard*, were severally considered and adopted.

The senate proceeded to the consideration of the unfinished business, being the expunging resolution offered by Mr. *Benton*.

Mr. *Benton* resumed his observations in support of his resolution, and concluded with moving to postpone the subject, and to make it the special order for Monday two weeks.

Mr. *Porter* expressed a wish to say a few words, when Mr. *Benton* withdrew his motion.

On motion of Mr. *Wright* the subject was then postponed, and made the special order for to-morrow.

Mr. *Wright* then reported without amendment, from the committee on finance, the bill making further appropriations for the suppression of Indian hostilities in Florida.

The bill was then considered and ordered to a third reading.

[The bill wants only the president's signature to become a law.]

The senate then proceeded to the consideration of executive business: and, after remaining a short time with closed doors, the senate adjourned.

March 22. Mr. *Benton*, from the select committee appointed in reference to the dispute between Ohio and Michigan, and the northern boundary of Ohio, reported a bill for the admission of Michigan into the states of the union; which was read and ordered to a second reading.

Mr. *Black*, from the committee on private land claims, to whom were referred the petitions of numerous individuals claiming lands under the Choctaw treaty, made a report, at much length, which he read. The report was terminated by two resolutions unfavorable to the general practice in which these claims were founded.

On motion of Mr. *King* of Georgia, 2,000 extra copies of this report were ordered to be printed.

Mr. *Buchanan*, from the select committee to whom was referred the memorial of the territory of Arkansas, on the subject, reported a bill to provide for the admission of Arkansas into the states of the union; which was read and ordered to a second reading.

Mr. *Benton* moved to make the bill for the admission of Michigan, and the other bill last reported, the special order for Friday.

This motion was objected to by Mr. *Ewing* of Ohio, Mr. *Porter*, and Mr. *Clayton*, in consequence of the absence of Mr. *Webster*, Mr. *Leigh* and Mr. *Naudain*, who were necessarily away, but would be in their places early in the week.

On the other side, Mr. *Benton* and Mr. *Buchanan* stated that other senators would be compelled to go away next week, so that the senate would still not be full.

Mr. *Ewing*, of Ohio, moved that the business be made the the special order for Wednesday, but the motion was negatived—yeas 19, nays 20.

Mr. Clayton moved Tuesday, and this motion was agreed to; yeas 21, nays 18.

On motion of Mr. *Ewing*, of Ohio, the senate proceeded to consider the unfinished business, being the expunging resolution offered by Mr. *Benton*.

Mr. *Porter* then spoke in reply to what had fallen from the senator from Missouri.

After speaking about an hour, being fatigued, Mr. *Porter* gave way; and

On motion of Mr. *Southard*, the further consideration of the subject was postponed till to-morrow.

The bill to appropriate for a limited time the proceeds of the public lands, &c. on motion of Mr. *Ewing*, was postponed till Wednesday week.

After attending to some private business, the senate adjourned.

March 23. Mr. *Grundy* presented a memorial from a committee of the clerks employed in the executive departments, on the subject of the inadequacy of their present salaries; and also a petition from individual clerks on the same subject; which were referred to the committee on finance.

Mr. *Grundy* gave notice that he should to-morrow ask leave to introduce a bill to authorise contracts to be made with rail road companies for the transportation of the mail.

Mr. *Davis* presented certain resolutions of the legislature of Massachusetts relating to the boundary line of the U. States between Maine and the British province of New Brunswick; in doing which he made some remarks.

Mr. *Walker* presented resolutions adopted by the legislature of Mississippi, on the subject of mail roads and a military depot; which were referred to the appropriate committee.

The senate again proceeded to the consideration of the expunging resolution.

Mr. *Porter* resumed the observations he commenced yesterday, in reply to the senator from Missouri; which he concluded a little before 3 o'clock.

On motion of Mr. *Benton*, the resolution was then laid on the table for the present, and the senate proceeded to the consideration of executive business; after which, they adjourned.

March 24. Mr. *Grundy* introduced his bill to authorise contracts for carrying the mail and public property of the United States, upon rail roads—which was twice read and referred.

Several unfavorable reports of committees were taken up and agreed to.

The *chair* laid before the senate the following communications from the treasury department:

1. A reply to a resolution calling for the expense of building a custom house at New Orleans.

2. The state of the deposite banks up to the 1st inst.

The senate was engaged principally upon private bills and resolutions—amongst the latter was one by Mr. Calhoun directing the judiciary committee to enquire into the expediency of preventing, by legal enactments, the mutilation, obliteration or expunging of the journal of the senate.

On motion of Mr. *King*, of Alabama, the senate proceeded to consider a bill for the relief of the several corporations within the District of Columbia.

[This bill had been recommitted, by order of the senate, to the committee for the District of Columbia, and had been reported with an amendment, providing that before the secretary of the treasury shall assume the payment of the Chesapeake and Ohio canal stock, the stock shall be vested in the secretary (for the United States) the privilege being allowed to the corporations to redeem the stock within ten years, on repaying the money provided by this appropriation to be paid to the corporations.]

The amendment being agreed to, Mr. *King*, of Ala. moved to fill up the blanks for the sums appropriated for interest, &c. paid by the corporations, with the following sums: $449,685 for Washington; for Alexandria, $114,640 44; for Georgetown, $116,795 48; which amendments were agreed to.

The bill, as amended, was reported to the senate; and the amendments having been concurred in,

Mr. *Calhoun* asked for the yeas and nays, which were ordered.

The question was then taken on the engrossment of the bill, and decided as follows:

YEAS—Messrs. Clay, Cuthbert, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Kent, King, of Alab. King, of Ga. Linn, Nicholas, Porter, Preston, Rives, Robbins, Southard, Tallmadge, Walker—17.

NAYS—Messrs. Black, Buchanan, Calhoun, Davis, Hill, Hubbard, Mangum, Moore, Morris, Niles, Robinson, Shepley, Swift, Tomlinson, Wall, Wright—16.

So the bill was ordered to be engrossed for a third reading.

HOUSE OF REPRESENTATIVES.

Friday, March 18. After other business—

The house resumed the consideration of the report of the committee on elections relative to the North Carolina contested election.

While a desultory discussion was going on—Mr. *Whittlesey* called for the order of the day, [it being one of *his* days]; and after some opposition, it was so determined; and some private business was attended to.

Saturday, March 19. The North Carolina contested election was further discussed.

[In the course of his remarks, Mr. *Newland* (the claimant of the seat) avowed himself to be an unwavering friend of the present administration; and being called to order for introducing topics irrelevant to the question, was, by vote of the house, permitted to proceed.]

Mr. *McKay* expressed a hope that the house, before proceeding to other business, would settle the question whether further time should be allowed or not. The question had occu-

pied a month, and, unless it was settled now, the discussion would be renewed on Thursday next, on the motion of his colleague.

Mr. *Rencher* wished, he said, to settle the preliminary question on the allowance of further time.

Mr. *Underwood*, with a view to enable the house to take the question now on the motion of the gentleman from North Carolina, moved the reconsideration of the vote on his motion.

Which motion was agreed to.

Mr. *Rencher* then moved to strike out March 22d, and insert the third Thursday in April, with leave to the parties till that time to take further testimony.

Mr. *Mann*, of New York, asked the yeas and nays on this motion, and they were ordered.

The question being taken, it was decided in the negative, as follows:

YEAS—Messrs. Adams, Chilton Allan, H. Allen, Ashley, Bailey, Banks, Bell, Bond, Borden, Bunch, John Calhoon, W. B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Conner, Corwin, Crane, Darlington, Doberry, Denny, Dickson, Dunlap, Evans, Everett, Forester, Philo C. Fuller, Graham, Granger, Graves, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Sampson Mason, Maury, McCarty, McKennan, Milligan, Morris, Patton, Pettigrew, Peyton, Phillips, Pickens, Reed, Rencher, Robertson, Rogers, Russell, Aug. H. Shepperd, Shields, Spangler, Standefer, Steele, Storer, Taliaferro, Turner, Underwood, Vinton, Whittlesey, L. Williams, Sherrod Williams, Wise—87.

NAYS—Messrs. Anthony, Ash, Barton, Bean, Beaumont, Bockée, Bouldin, Boyd, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Cleveland, Coffee, Coles, Craig, Cushman, Davis, Dickerson, Doubleday, Doingoole, Fairfield, Farlin, French, Fry, Wm. K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Hamer, Hannegan, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Jabez Jackson, Joseph Johnson, R. M. Johnson, Cave Johnson, J. W. Jones, Benj. Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, G. Lee, J. Lee, T. Lee, Leonard, Logan, Loyall, Abijah Mann, J. Mann, Martin, John Y. Mason, William Mason, M. Mason, May, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, J. Reynolds, Ripley, Roane, Schenck, Shinn, Sickles, Speight, Sutherland, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—103.

After some conversation between Messrs. *Rencher*, *Speight*, *Underwood*, *Maury*, *A. H. Shepperd*, *Glascock* and *Hardin*, as to the proper mode of bringing the constitution and laws of North Carolina, bearing on the question, before the house; the time proper to be allowed for collecting and printing those documents; and the propriety of referring the testimony which had been received since the committee reported, for the purpose of a decision upon its sufficiency.

The question now being on Mr. *Mann's* motion to postpone the consideration of the report of the committee on elections till Thursday next, the 24th, and make it the special order for that day, it was taken, and determined in the affirmative, by a vote of 124 to 49.

On motion of Mr. *Speight*, it was then ordered that so much of the constitution and laws of the state of North Carolina, relative to elections, as may be pointed out by the petitioner and sitting member, be printed for the use of the house.

Mr. *Anthony* moved that the house do now adjourn.

Mr. *Whittlesey* asked the yeas and nays on this motion, and they were ordered.

The question being taken, it was decided in the affirmative—yeas 164, nays 66.

The house then adjourned.

Monday, March 21. This being the day for the presentation and consideration of petitions and memorials, the subject first in order was the memorial presented on a former day by Mr. *Howard*, from sundry members of the National Trades' Union, praying congress to pass an act limiting the hours of labor to ten hours daily, in all cases where laborers are employed by the United States.

Three motions were pending: one to refer the subject to the committee on roads and canals; another to refer it to the committee on the judiciary; and a third to a select committee.

Mr. *Howard* remarked that the memorial was signed by about three thousand persons of the laboring class, and that their representations were entitled to the attention of this house. The ten hour system had been already extensively adopted, under which laborers were employed from six o'clock in the morning to six o'clock in the evening, allowing two hours for refreshment.

This system the memorialists represented to be more just, equal and convenient than that of laboring from sun to sun, which was a rule that necessarily varied with the latitude and with the seasons. The committee on roads and canals did not seem to be the appropriate committee for considering the subject, nor did it come within the cognizance of the committee on the judiciary. He had therefore, moved its reference to a select committee.

After some remarks from Mr. *Parker*,

Mr. *Wardwell* remarked that this subject was certainly entitled to some consideration. Almost every class of individuals and every leading interest in the country had a special committee assigned to their affairs in this house; and he saw no reason why those men, who formed the bone, muscle and sinew of the country, those who labored with their hands, should not also be listened to. He knew, moreover, that abuses existed on this subject, which required legislative interference; and alluded to the fact that our soldiers were employed on the Cumberland road, as laborers, and were compelled to labor, he believed, every day, not excepting Sundays; and that at Fort Gibson, where they were employed in making roads, six hundred of them had died. He was decidedly in favor of referring the memorial to a select committee.

The whole matter was laid upon the table—ayes 102.

The house then took up, as the next subject in order, the preamble and resolutions of the legislature of the state of Kentucky, in favor of the distribution of the proceeds arising from the sale of the public lands among the several states, presented last Monday.

The question being on the resolution offered by Mr. *Williams*, of Kentucky, for the reference of the subject to the committee of ways and means, with instructions to report a bill for the distribution of the proceeds arising from the sale of the public lands, among the several states, for the purposes of internal improvement and education.

Mr. *Allan* addressed the house warmly in favor of the resolution, until the orders of the day were announced.

Mr. *Reed* moved that the rules be suspended for this day, for the purpose of receiving petitions and memorials, excluding the subject of the resolutions of the legislature of Kentucky; which was agreed to.

And many petitions and memorials were presented—many of them against slavery in the District of Columbia.

Mr. *Cambreleng*, from the committee of ways and means, reported a bill regulating the deposites of the money of the United States in certain local banks. Read twice, and committed to the committee of the whole house on the state of the union.

Also, from the same committee, a bill to authorise the secretary of the treasury to adjust the claims of the bank of the United States for damages due that bank on account of a bill of exchange drawn on the French government, and protested, and for other purposes. Read twice, and committed.

Also, from the same committee, a bill to explain and amend the act for the relief of the sufferers by the fire in the city of New York. Read twice and committed.

A large number of reports were received from the different committees, which will sufficiently appear in their progress—some of them appearing to be of much general interest.

At last—Mr. *Muhlenberg* moved that the house now adjourn; and, on division, it was found that a quorum was not present.

The house then adjourned.

Tuesday, March 22. The *chair* announced, as the business first in order, the motion reported yesterday from the committee of ways and means, to discharge the committee of the whole on the state of the union from the further consideration of the following bill:

A bill repealing the fourteenth section of the "act to incorporate the subscribers to the bank of the United States," approved April 10, 1816.

Be it enacted, &c. That the fourteenth section of the act entitled "an act to incorporate the subscribers to the bank of the United States," approved April 10, 1816, shall be, and the same is hereby, repealed.

The *chair* would state (he said) in advance, that the merits of the bill were not open to discussion on this motion.

Mr. *Cambreleng* called for the reading of the fourteenth section of the bank charter proposed to be repealed; and it was read, as follows:

"Sec. 14. *And be it further enacted*, That the bills or notes of the said incorporation, originally made payable, or which shall have become payable, on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of congress."

Mr. *Cambreleng* said, the object of the committee of ways and means, in instructing him to move that the committee of the whole be discharged from the further consideration of this bill, was, to order it to be engrossed, and read a third time. He asked the clerk to read what took place in this house in 1812, when a similar question was presented in relation to the notes of the first bank of the United States.

The clerk read a passage from a report in the National Intelligencer of February 13th, 1812.

[The object of this proceeding is, *immediately* to check the circulation and currency of the notes of the *late* bank of the United States. A debate followed, and there were many speakers—but the substance of what was said may be gathered from the following remarks:

Mr. *Patton*, of Va. said it was merely a question of time and of form. It was a question whether the house should act deliberately and wisely upon the subject, which would have the effect to delay the passage three or four weeks. For one, he was not disposed to dispense with the usual forms of legislation. Whether there were any objections to passing the bill, he did not know; if there were, he should like to hear them. He asked if there was any reason for its passage. He thought the notes of the United States bank as good and safe as the notes of any bank. He could see no danger to the treasury,

nor any other reason why the usual forms should be dispensed with, to hasten the passage of the bill. He could not see why those who wished to examine and discuss the subject should be deprived of the privilege, without any necessity; and he should oppose the motion, unless some good reason for it could be given.

Mr. *Brown* said if the 14th section was in operation, he could conceive no reason why it should not be repealed. If there was any doubt whether it was still in force, then it ought to be repealed. The only question then was one of time: whether we should repeal it now or at the close of the session. He could not view the measure as one calculated to discredit the notes of the United States bank, it would leave them precisely on the same ground with all other notes. The president of the bank himself, in his late address, congratulates the country upon the total disconnexion of the bank from the government.

Mr. *McKennon*, after adverting to the past action of the committee and the house, asked for the pressing reason—if any thing had occurred—which called for this change of purpose and of action. He was opposed to bringing the subject before the house in this way. It was a qustion which required deliberation and discussion, and there was no better way than to consider and discuss it in committee of the whole. It was a question of expediency, whether the bill should be refused, or whether the repealing clause should go into effect. He thought it might be inexpedient to pass the bill, because it would depreciate the bills of the United States bank, and we could get no better currency, and he thought there could be no good reason unless it was to substitute a better currency. An attempt was making to destory the circulation of that bank, by directions of the head of the treasury for the deposite banks to refuse its bills, and by this attempt to bring the influence of congress to discredit them. He offered these reasons to show that the bill ought to remain in the committee of the whole, and ought to be discussed.

Mr. *Wise* said it was a question not what mischief, but what good, would arise from the course proposed. The members of the committee of ways and means, he believed, were the only individuals who had started any doubt as to the fact whether the clause in question had become extinct. There was not a doubt on the part of the friends of the "monster" that it was dead, and the gentleman from Indiana might, if he chose, go and bury it. No good was to ensue to the country from passing this bill at all; much less from passing it speedily. If it was hurried into the house, the previous question stood there in dread array against the freedom of debate. There was a reason why this subject ought not to be acted on speedily; and he would inform the gentleman from Pennsylvania why it was that this question was pressed. No one doubted—the secretary of the treasury did not doubt whether the notes of this bank were receivable. He himself asked the secretary of the treasury what notes were receivable in payment for public land, and the secretary could not tell him, but referred him to the receivers of the public money. When it was not pretended that the notes of this bank were a legal tender, what object was there in saying, by this act, that they are not a legal tender? He would tell the gentleman what the object was. It was to array the government on the side of one set of banks against another bank or set of banks. The whole of this war against the bank of the United States was a contest between one set of bankers and another set.]

One o'clock having arrived, the house took up the special order of the day, the naval service bill, and Mr. *Bell* resumed his remarks, and went into a general examination of the past and present principles of the party in power, with a view to show that abusive expenditures and dangerous practices had increased since the present administration came into power.

And before he had concluded, the house adjourned.

Wednesday, March 23. The early part of the day was occupied upon the motion made, on the preceding day, to discharge the committee of the whole from the consideration of the bill to repeal the 14th section of the act of April 10, 1816, "to incorporate the subscribers to the bank of the United States;" which motion, after some proceedings, of which an account will be hereafter given, was carried (by the aid of the *previous question.*) So that bill is now on the table of the house.

The following business occupied the residue of the day's setting:

The house, in committee of the whole on the state of the union, resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question being on the motion of Mr. *Bell* to strike out the following clause:

"For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, sixty-seven thousand dollars."

Mr. *Bell* resumed his remarks on the subject, and gave his reasons, at length, for the belief that the friends of the administration did not actually expect a war with France, and maintained that, if they did, they were themselves chargeable with having grossly neglected the defences of the country. He reviewed the proceedings of the government and of the house during the last session, to show that no preparations for a war were attempted to be made, up to the time when the three million appropriation was proposed, on the very last night of the session; and further, that every proposition made for increasing the appropriations for particular points were steadily resisted and defeated by the friends of the administration. The causes of the loss of the fortification bill on that night he examined and explained, at great length. The main cause of the difficulty was, as he maintained, an anxious desire, on the part of the majority of the house, to hold the senate and particularly a distinguished senator, responsible for the loss of the measure. For this purpose, he contended that it was wilfully, voluntarily, and by design, so managed by a party on this floor, in the interest of the vice president, as to lose both the extra appropriation for the defence of the country, and the fortification bill also.

Mr. *Bell* commented upon the use which had been made of this manœuvre by the party, and appealed to every member from the south west to say whether the charge against the senate, founded upon the failure of this measure, was not one of the most potent, effective, and irresistible instruments used by the administration party in the presidential contest. Mr. *Bell* also passed in review many other topics connected with the course and policy of the present administration; and, after speaking about three hours, concluded by thanking the committee for the indulgence which they had extended to him during his protracted remarks.

Mr. *Garland*, of Va. obtained the floor, and the committee then rose, and the house adjourned.

Thursday, March 24. This day was expended in receiving reports and bills, and in considering the North Carolina contested election.

[In the course of the debate about the bank on Wednesday, Mr. *Cambreleng* requested the clerk might read a letter, which he handed in, from the cashier of one of the deposite banks in Boston, to the secretary of the treasury. It would be seen that the branch of the bank in Boston refused to redeem the bills of other branches, which were, consequently, at a discount, and were bought up to pay bonds due at the custom house. If this was the course on the Atlantic, he said it might easily be imagined what was the trouble in the interior; and if the rule of the Boston branch was to be generally adopted, and no branch would redeem bills except of their own issues, he would like to be informed where the bills of branches which were now discontinued, would be paid.

The following is the letter referred to:

Copy of a letter from the cashier of the Commonwealth bank of Boston, to the secretary of the treasury, dated Boston, March 18, 1836.

SIR: Yours of the 14th instant is at hand. In answer to the last paragraph, viz: "I will thank you to inform me how, and in what case, the question can arise in your bank, as it has been presumed that the payments for duties have been, and will be, paid chiefly, if not entirely, by checks on your own, or other city banks."

Heretofore the branch bank in this city has redeemed the bills of the United States bank, drawn here by regular course of business, consequently making them equal to the city bank bills; being therefore no difference in value, the payments to government have been made generally in checks and bills of the city banks. But this branch of the United States bank now refused to redeem any bill, but of their own issue, and consequently every other city bank refuses to receive them. This depreciates in value all the United States bills issued elsewhere, and they must be negotiated by brokers, and purchased for the purpose of paying debts due to the government. The rate of exchange will probably cause them to be remitted from one city to another, when money is scarce, and to be placed in the hands of the bond payers, to whom they will be equal to specie, although payable at a distant part of the country, and for all other purposes of less value. It was to guard, if possible, against this probable contingency, that I addressed the department. Respectfully,

CHARLES HOOD, *cashier.*]

REMARKS OF MR. WEBSTER,

On the question upon a motion not to receive an abolition memorial. March 1.

Mr. *Webster* expressed shortly his judgment as to the proper course to be taken with these petitions. He thought they ought to be received, referred and considered. That was what was usually done with petitions on other subjects, and what had been uniformly done, heretofore, with petitions on this subject also.

Those who believed they had an undoubted right to petition, and that congress had undoubted constitutional authority over the subjects to which their petitions related, would not be satisfied with a refusal to receive the petitions, nor with a formal reception of them, followed by an immediate vote rejecting their prayer.

In parliamentary forms there was some difference between these two modes of proceeding, but it would be considered as little else than a difference in mere form. He thought the question must, at some time, be met, considered and discussed. In this matter, as in others, congress must stand on its reasons. It was in vain to attempt to shut the door agains petitions and expect in that way to avoid discussion. On the presentment of the first of these petitions, he had been of opinion that it ought to be referred to the proper committee. He was of that opinion still. The subject could not be stifled. It must be discussed, and he wished it should be discussed calmly, dispassionately and fully, in all its branches, and all its

bearings. To reject the prayer of a petition at once, without reference or consideration, was not respectful; and in this case nothing could be possibly gained by going out of the usual course of respectful consideration.

NEW YORK SESSIONS.

MARCH 16, 1836.

Before the recorder and aldermen Barnes and Lovett.

TRIAL OF THE RIOTERS. Edward Hallahan, John Sweeney, John Dougherty, John Hogan, James Edgar, John Gilmore, John Peet, Edward O'Brien, and John Lyon, stevedores and shoremen, were put upon their trial for a riot committed on the 23d day of February last, in South street, between Maiden lane and Fletcher street. The evidence established clearly the facts of the rioters proceedings as detailed at the time in our paper, and the participancy of all the prisoners in them, and the jury found them all *guilty*, recommending John Peet to the mercy of the court.

Assault on Mr. Brink. Edward Hallahan, one of the above, was then tried for an assault and battery, with intent to kill Dennis Brink, police officer, by striking him over the head with a heavy pipe stave, on the 23d of February last, while endeavoring to suppress a riot of the stevedores and shoremen. The evidence proved that Mr. Brink had arrested one of the ringleaders of the mob on the wharf, near the ship United States, and was conducting him along the wharf to South street, when he was surrounded by a crowd of the rioters, about fifty of whom seized pipe staves, a pile of which laid on the pier, and the prisoner, with a heavy white oak pipe stave, which he wielded with both hands, struck him over the head and felled him to the earth. The blow came with such force as to cut entirely through the hat and the flesh to the frontal bone of the head, and rendered Mr. Brink insensible for several hours, until after his wound was dressed and he conveyed home in a sleigh, and for a time his life was considered in danger.

The prisoner acknowledged the striking, but said that Mr. Brink first struck him with a cane, which was disproved by the officer and two or three other witnesses, and the jury found the accused *guilty as charged.* (The punishment is not less than two nor more than ten years in the state prison.)

Mackin, Roberts, Harrington and Somerindyke, charged on several indictments with committing riots in the Bowery on the 3d of March, and with an assault and battery on David Norris, were arraigned for trial, but on motion of their counsel, the trials were postponed to the next term. [*Courier.*

MARYLAND—THE "INDEMNITY" BILL.

From the Baltimore Chronicle, of the 23d inst.

At a late hour, last night, we received the annexed letter from Annapolis, announcing the important fact, that the *indemdemnity bill has passed* both houses of the legislature and is now a law.

Annapolis, March 22, 1836—10 *minutes to* 2 *o'clock.*

I hasten to communicate to you the intelligence that the "*indemnity bill*" has just this moment passed the house of delegates by a clear majority of the whole house. Affirmative 42, negative 28—majority of 14.

The bill passed without amendment, as you published it in your paper. No doubt of its passage by the senate.

P. S. I open the letter to say that the bill was immediately sent to the senate and was read a first and second and third time by special order, and unanimously passed. *It is now a law.*

The following was the vote upon the question:

HOUSE OF DELEGATES.

YEAS—Messrs. Gantt, speaker, Heard, Fowler, Dunkinson, Carroll, of St. Mary's, Iglehart, Mercer, Kent, Weems, Merrick, Carpenter, Dulany, Winder, Hambleton, Dudley, Bruff, Mullikin, Jones, Dennis, Ford, Bayly, Townsend, Pratt, Bryan, Brewer, Duckett, Hemsley, Spence, Whitelock, Hearn, Gilles, Williss, Annan, Duvall, Shriver, Gough, Carter, Turner, Burchenal, Hardcastle, Wharton, McMahon—42.

NAYS—Messrs. Primrose, Kirby, of Kent, Miller, Hood, Wailes, Durke, Ely, Brown, Carroll, of Balt. co. Long, Teackle, McCullough, Nowland, Henderson, Palmer, Kirby, of Queen Anne, Boyd, Sutton, Nelson, Richardson, McLean, Newcomer, Brookhart, Fiery, Beam, Matthews, Berry, Frantz—28.

SENATE.

YEAS—Messrs. Hughlett, president, Claude, Mayer, Montgomery, Osborne, Pigman, Sappington, Wilson, Wootton—9.

NAYS—None. Mr. Morris excused from voting.

The indemnity bill is to compensate the owners of property destroyed by the mobs in this city in August last—the amount of which will be about 150,000 dollars—and the means are these: the state holds the receipts from the auction duties, (collected in Baltimore); but, so holding, has heretofore appropriated, to the use of the city, a large proportion of the proceeds thereof, for the purpose of deepening and preserving the harbor of the city; and it is out of this appropriation that the "indemnity" is to be paid. It is, therefore, virtually an additional tax on the *tax payers* of Baltimore, until the amount of the "indemnity" is satisfied.—But the auction duties may be *secured* to the city in perpetuity, by paying the "indemnity" within two years.

LAW OF MARYLAND.

The following bill has passed both houses of the legislature, and is, therefore, the law of the state:

AN ACT RELATING TO RIOTS.

Sec. 1. Be it enacted by the general assembly of Maryland, that from and after the passage of this act, if in any county or incorporated town or city of this state, any church, chapel or convent, any dwelling house, any house used or designated by any person or any body politic or corporate as a place for the transaction of business, or deposite of property, any ship, ship yards or lumber yard, any barn, stable, or other out house, or any articles of personal property, shall be injured or destroyed, or if any property therein or thereon shall be taken away, injured or destroyed by any riotous or tumultuous assemblage of people, the full amount of the damage so done shall be recoverable by the sufferer or sufferers by suit at law against the county, town or city, within whose jurisdiction such riots or tumult occurred, provided, however, that no such liability shall be incurred by such county, incorporated town, or city, unless the authorities thereof, shall have had good reason to believe that such riot or tumultuous assemblage was about to take place, or having taken place should have had notice of the same in time to prevent the said injury or destruction either by their own police, or with the aid of the citizens of such county, town or city, it being the intention of this act, that no such liability, shall be devolved on such county, town or city, unless the authorities thereof having notice, have also the ability of themselves, or with their own citizens, to prevent said injury—provided further, that in no case shall indemnity be received, where it shall be satisfactorily proved that the civil authorities, and citizens of said county, town or city, when called on by the civil authorities thereof, have used all reasonable diligence, and all the powers entrusted to them for the prevention or suppression of such rioters or unlawful assemblages.

Sec. 2. *And be it enacted*, that in any suit instituted under this act, the plaintiff or plaintiffs may declare generally and give the special matter in evidence.

CONSTITUTION OF ARKANSAS.

Arkansas being about to become a state, has already furnished herself with a constitution. We find the following synopsis of its contents in the New York Times:

"Every free white male citizen of the United States, who shall have been a citizen of the state for six months, shall be deemed a qualified elector. Members of the house of representatives are to be elected for two years, members of the senate for four. The general assembly shall meet every two years. All general elections are to be *viva voce.* In the prosecution of slaves for any crime, they shall have an impartial trial by jury. *Any slave convicted of a capital offence, shall suffer the same degree of punishment as would be inflicted on a free white person, and no other, and courts of justice before whom slaves shall be tried, shall assign them counsel for their defence.* The senate shall never consist of less than seventeen, nor more than thirty-three members. The house of representatives shall consist of not less than fifty-four, nor more than one hundred representatives. The governor is to hold his office for four years, but shall not be eligible for more than eight years in any period of twelve years. The judicial power is vested in a supreme court, circuit courts, county courts, and justices of the peace. The supreme court is to consist of three judges. Its jurisdiction shall be appellate. The official term of the judges of the supreme court is eight years, of the judges of the circuit court, four years. The judges of the supreme and circuit courts are to be chosen by the general assembly. Justices of the peace are to be elected by the people, and their term of office is two years—judges of the county courts are to be chosen by justices of the peace. The legislature shall have no power to emancipate slaves without the consent of their owners. No lotteries shall be established, nor the sale of lottery tickets allowed. The person of a debtor shall not be imprisoned except where there is a strong presumption of fraud. The legislature may establish one state bank with branches, and one banking institution to promote the agricultural interests of the country."

PENNSYLVANIA—SINKING FUND.

In the house of representatives of this state on Tuesday, Mr. *J. Krause* reported the following bill:

AN ACT TO ESTABLISH A SINKING FUND.

Section 1. *Be it enacted*, &c. That the annual sum of three hundred and sixty thousand dollars is hereby appropriated yearly to constitute a sinking fund for the extinguishment of the public debt of this commonwealth, which sum is placed under the direction of the state treasurer and auditor general, who are hereby constituted commissioners of the said sinking fund, and the said sum shall be paid out of any moneys which may remain in the treasury after the payment of the interest on the said debt, and satisfying the purposes for which appropriations shall have been made by law; and together with any other moneys which may be hereafter specifically appropriated to, or vested in said sinking fund, shall be applied by the said commissioners to the purchase or reimbursement of the principal of the said debt, and payment of the necessary charges thereon; and the said commissioners shall, with the approbation of the governor, cause the said purchase or reimbursement, to be made in such manner and under such regulations, as shall appear to them best calculated to fulfil the intention of this act, and do equal justice to the public creditors.

Section 2. The revenues of this commonwealth, which may hereafter accrue, and shall not have been otherwise appropriated or pledged, shall become vested in the sinking fund; and whenever in addition thereto there shall be in any year a surplus of money in the treasury, above the sums required for the service of such year, the payment of which to the sinking fund, will yet leave in the treasury a balance of

then such surplus shall become vested in the sinking fund, to be paid at such times as the situation of the treasury and the demands upon it will best permit, to be applied as aforesaid, and the commissioners of the sinking fund shall report to the legislature at the commencement of each session, an account of all the purchases made and public debt redeemed, in pursuance of this act.

Section 3. If the present or any future session of congress shall make a distribution of the surplus revenue among the several states, the amount which the state of Pennsylvania would in that event be entitled to, be, and the same is hereby vested in said fund, to be applied as is directed by this act.

THE TENNESSEE RESOLUTIONS,

WHICH PASSED AGAINST THE PROTEST OF TWENTY MEMBERS OF THE LEGISLATURE.

"*Resolved*, That it is the opinion of the general assembly of the state of Tennessee, that the resolution of censure introduced by Mr. Clay, in the senate of the United States, and adopted by that body on the 28th March, 1834, in the following words: 'Resolved, That the president in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both,' was not unconstitutional, but within the legitimate exercise of their powers, and the freedom of debate.

"*Resolved*, That it is the opinion of this general assembly, that it is not constitutional to expunge the said resolutions from the journals of the senate, but said process would violate that provision of the constitution of the U. States which requires that each house shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.'

"*Resolved*, That it is the opinion of this general assembly, that expunging means blotting out and destruction of the record, and that to instruct to draw black lines, is but a subterfuge, and unbecoming the consideration of the senate.

Resolved, That it is the opinion of this general assembly, that the said resolution of censure passed upon the president of the United States, was wrong, uncalled for, and unjustifiable, and that we have full confidence, that our senator Hugh L. White, will use every constitutional effort in his power to cause said resolution of censure to be rescinded, and do that justice to the president, which has been denied him, and that it is wholly unnecessary to instruct him to do that, which he has always said he was willing to do."

VIRGINIA RESOLUTIONS OF 1834.

The legislature of that period, says the "Richmond Whig," passed the following resolutions by a majority exceeding two to one.

"1. *Resolved by the general assembly*, That the recent act of the president of the United States, exerting a control over the public deposites, by causing them to be withheld and withdrawn, on his own responsibility, from the United States bank, in which they had been ordered to be placed by the act of congress chartering the said bank, is, in the judgment of the general assembly, a dangerous and alarming assumption of power by that officer which cannot be too strongly condemned.

"2. *Resolved*, That while the general assembly will ever be ready to sustain the president in the exercise of all such powers as the constitution has confided to him, they, nevertheless, cannot but regard with apprehension and distrust the disposition to extend his official authority beyond its just and proper limits, which he has so clearly manifested in his recent interference with the treasury department of the federal government in the exercise of a sound discretion which congress has confided to the head of that department alone.

"3. *Resolved*, That our senators in congress be instructed, and our representatives requested, to use their best exertions to procure the adoption, by congress, of proper measures for restoring the public moneys to the bank of the United States, or, at least, for causing them to be deposited therein for the future, according to the direction and stipulation of the act of congress chartering the said bank, if at the time of their action on the subject, said bank be, in their opinion, a safe depository of the public treasure.

"4. *Resolved*, That the general assembly cannot recognise as constitutional the power which has been claimed by congress to establish a United States bank, because, in the opinion of the general assembly, as they have heretofore solemnly declared, that power is not given to congress by the constitution of the United States.

"5. *Resolved*, That the general assembly do not intend by the declaration of their opinion in regard to the unconstitutionality of the bank of the United States, to qualify, or in any manner to impair, the force of their disapprobation of the withholding and withdrawing of the public deposites.

"6. *Resolved*, That the governor of the commonwealth be requested to transmit a copy of these resolutions to each of our senators and representatives in the congress of the United States."

COMMONWEALTH OF MASSACHUSETTS.

The special joint committee, appointed to investigate the doings of any or all the banks in the commonwealth, having considered the instructions given them by the legislature, on the recommitment of their first report, as to what further legislation may be necessary on the subject matter thereof, respectfully

REPORT:

That on mature consideration of the facts, developed by their investigation your committee are of opinion, that sundry banks have committed gross, and palpable violations of the laws. It will not be denied, that it is of vital importance, both to the government, and to the people, that the supremacy of the laws should be maintained. If it be so important, as between the government and its private citizens, how immensely important is it, as between the government and its corporations, the creatures of its bounty? Misconstructions of doubtful provisions, and violations of loosely defined enactments, are not only pardonable, but in some instances justifiable. The deliberate infraction, however, of a law clearly expressed, and consistent in its provisions, can never be justified by a plea of ignorance, or misapprehension of its purport. A statute, that is so plain in its provisions, as to be understood and construed alike, by the mass of men, can never be made to palliate its own violations by those whose interest it may be, to misconstrue or misapprehend it. The laws relating to banks and banking, we apprehend are of this character. Their provisions are so explicit, and the language in which they are clothed, so precise and definite, that it is almost impossible for ingenuous minds to differ, as to their true intent and meaning. We are constrained to believe, therefore, that if they have been violated, the violation has been deliberate and intentional.

That the law against usury has been violated by some of the banks, we cannot doubt, and we can as little doubt, that the violation was committed with full knowledge of the laws. The circumstances, proved in the case, force this conclusion upon us. Why was all this machinery employed to effect an object, that could be much more easily attained in the ordinary way, unless the agents of its introduction were satisfied, that the object aimed at was illegal? Why pursue this circuitous course to obtain more than six per cent. interest, unless they knew such interest to be unlawful? More than six per cent. is admitted by some of the banks to have been taken. Whether it were obtained by direct or indirect means, by premiums on checks paid for notes discounted, or by a greater actual discount than six per cent. can make no difference, as the law equally prohibits both means of obtaining it. This resort, then, to these expedients, novel and ingenious as they are, satisfies your committee beyond a reasonable doubt, that the law was understood, and that these expedients were adopted for the very purpose of evading its well known provisions. Being thus persuaded, we can find no sufficient justification for the delinquents, nor can we discover any good reason, (and we have anxiously sought for it), why the government should, again, forbear to enforce the sanctions of its violated laws.

The best good of corporations, especially of banking institutions, as well as the public weal, seems to require at the hands of the government, an admonitory example. A war is already begun, and vigorously carried on against corporations. This hostility may have been occasioned, in part, by their usurpation of powers and privileges, not delegated to them. It is for their good, therefore, that they should be strictly restrained and circumscribed by the limits of their charters. And how can the government command the respect of its citizens unless it respect itself, and meet with just and reasonable severities, wanton infractions of its laws? The committee are of opinion, that the public good, and the best interests of corporations, and the common sentiment, concur in imposing upon them, the unpleasant duty of recommending to the legislature, further prosecution of certain banks.

We are not disposed to be vindictive, nor do we believe that the public weal would be promoted, by pursuing all the banks, which may have, more or less, transgressed. The government must maintain its dignity, the people demand a redress of grievances, corporations require reform. These objects can be as well accomplished, in the opinion of your committee, by selecting, for further investigation, and for final remedies, some few prominent cases, as by pursuing the whole, and graduating penalties to the degrees of their several transgressions.

Having arrived at these conclusions, with great unanimity, your committee present the four following named banks, as proper subjects for further proceedings. *Our great difficulty in making this selection, has been, not to determine what banks should be further prosecuted, but, chiefly, in deciding what ones should be left unprosecuted.* We regard several of them not reported, as deserving especial censure, and unless there should be immediate and thorough reform, in all objectionable practices, it may hereafter be expedient to introduce them to the more particular notice of the legislature.

Your committee present, as worthy of further proceedings, the New England bank, the City bank, and the State bank, in Boston, and the People's bank, in Roxbury; and do respectfully recommend to the legislature, that they be severally proceed-

ed against, according to the provisions of the 17th sec. 96th chapter of the statutes of the year 1828.

All which is respectfully submitted. By orderd of the committee, M. LAWRENCE.

THE DEPOSITE BANKS.

The report of the state of the deposite banks, being made on the 16th inst.

Mr. *Webster*, in support of his motion to print 3,000 extra copies of the statement of the affairs of the deposite banks, said in the senate—

In making this motion Mr. *Webster*, called the attention of the senate to the document from the treasury, showing the state of the deposite banks at the latest dates. He quoted from the tabular statement some of the leading facts. The immediate liabilities of the banks amounted, it appeared, to nearly seventy-two millions of dollars, viz: the public deposites, $30,678,879 91; the private deposites, $15,043,033 64; the bills in circulation, $26,243,688 36.

The amount of specie held by these banks, it further appeared, was $10,198,659 24, that is to say, there is less than one dollar specie for six dollars debt; and there is due to the government by those banks more than three times the amount of all the specie.

There are other items (said he) which swell the amounts on each side, such as debts due to banks, and debts due from banks. But these are only equalling quantities, and of no moment in the view I am taking of the question.

Among the means of these deposite banks I see an item of "other investments" of no less amount than $8,777,228 79. What is meant by these "other investments," I am not informed. I wish for light. I have my suspicions, but I have no proofs, sir, look at the reported state of the Farmers and Mechanics' bank of Michigan, the last in the list. The capital of that bank is only $150,000. Its portion of the public deposites is no less a sum than 784,764 75. Now, sir, *where is the money.* It is not in specie in the bank itself, for its specie is only $51,011 95—all its discounts, loans, &c. are only $500,000 or thereabouts; *where is the money.* Why we see where it is; it is included on the item *due from banks* 678,766 37. What banks have got this? On what terms do they take it? Do they give interest for it? Is it in the deposite banks in the great cities? and does this make a part of the *other liabilities* of these deposite banks in the cities? Now, this is one question: what are these other liabilities? But, as to these "other investments," I say again I wish to know what they are. Besides real estate, loans, discount and exchange, I beg to know what *other investments* banks usually make.

In my opinion, sir, the present system now begins to develope itself. We see what a complication of private and pecuniary interests have thus wound themselves around our finances. While the present state of things continues, or as it goes on, there will be no lack of ardor in opposing the land bill or any other proposition for distributing or effectually using the public money while this state of things exists, or as it goes on.

We have certainly arrived at a very extraordinary crisis: a crisis which we must not trifle with. The accumulation of revenue must be prevented. Every wise politician will set that down as a cardinal maxim. How can it be prevented. Fortifications will not do it. This I am perfectly persuaded of. I shall vote for every part and parcel of the fortification bill, reported by the military committee. And yet I am sure that, if that bill should pass into a law, it would not absorb the revenue, or sufficiently diminish its amount. Internal improvements cannot absorb it: these useful channels are blocked up by vetoes.

How, then, is this revenue to be disposed of? I put this question seriously to all those who are inclined to oppose the land bill now before the senate.

Sir, look to the future, and see what will be the state of things next autumn. The accumulation of revenue may then probably be near fifty millions; an amount *equal, perhaps, to the whole amount of specie, in the country.* What a state of things is that! Every dollar in the country the property of government!

Again sir; are gentlemen satisfied with the present condition of the public money in regard to its safety? Is that condition safe, commendable and proper? The member from South Carolina has brought in a bill to regulate these deposite banks. I hope he will call it up, that we may at least have an opportunity of showing for ourselves what we think the exigency requires.

[☞See the tabular statement, page 72.]

THE "EXPUNGING" RESOLUTION.

On Wednesday, the 16th, Mr. *Benton* offered to the senate, the following preamble and resolution—

Whereas, on the twenty-sixth of December, 1833, the following resolve was moved in the senate:

"*Resolved*, By dismissing the late secretary of the treasury, because he would not, contrary to his own sense of duty, remove the money of the United States in deposite with the bank of the United States and its branches, in conformity with the president's opinion, and by appointing his successor to effect such removal, which has been done, the president has assumed an exercise of power over the treasury of the United States not granted him by the constitution and laws and dangerous to the liberties of the people."

Which proposed resolve was altered and changed by the mover thereof on the 28th March, 1834, so as to read as follows:

"*Resolved*, That in taking upon himself the responsibility of removing the deposite of the public money from the bank of the United States, the president of the United States has assumed an exercise of power over the treasury of the United States, not granted to him by the constitution and laws, and dangerous to the liberties of the people."

Which resolve, so changed and modified by the mover thereof, on the same day and year last mentioned, was further altered so as to read in these words:

"*Resolved*, That the president, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

In which last mentioned form the said resolve, on the same day and year last mentioned, was adopted by the senate, and became the act and judgment of that body; and, as such, now remains upon the journal thereof:

And whereas the said resolve was irregularly, illegally, and unconstitutionally adopted by the senate in violation of the rights of defence which belong to every citizen, and in subversion of the fundamental principles of law and justice; because president Jackson was thereby adjudged and pronounced to be guilty of an impeachable offence, and a stigma placed upon him as a violator of his oath of office, and of the laws and the constitution which he was sworn to preserve, protect and defend, without going though the forms of an impeachment, and without allowing to him the benefits of a trial, or the means of defence:

And whereas, the said resolve, in all its various shapes and forms, was unfounded and erroneous in point of fact, and therefore unjust and unrighteous, as well as irregular and unconstitutional, because the said president Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve, nor in taking upon himself the responsibility of removing the public deposites, as specified in the second form of the same resolve, nor in any act which was then or can now be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do, or commit, any act in violation or in derogation of the laws and constitution, or dangerous to the liberties of the people:

And whereas, the said resolve, as adopted, was uncertain and ambignous, containing nothing but a loose and floating charge for derogating from the laws and constitution, and assuming ungranted power and authority in the late executive proceedings in relation to the public revenue, *without* specifying what part of the executive proceedings, or what part of the public revenue was intended to be referred to, or what parts of the laws and constitution were supposed to have been infringed, or in what part of the union, or at what period of his administration, these late proceedings were supposed to have taken place, thereby putting each senator at liberty to vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the senate's judgment to be guessed at by the public, and to be differently and diversely interpreted by individual senators, according to the private and particular understanding of each, contrary to all the ends of justice, and to all the forms of legal or judicial proceedings—to the great prejudice of the accused, who could not know against what to defend himself, and to the loss of senatorial responsibility, by shielding senators from public accountability for making up a judgment upon grounds which the public cannot know, and which, if known, might prove to be insufficient in law or unfounded in fact:

And whereas, the specifications contained in the first and second forms of the resolve having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications, and the same having been actually withdrawn by the mover, in the face of the whole senate, in consequence of such objection and belief; and before any vote was taken thereupon, the said specifications could not afterwards be admitted by any rule of parliamentary practice or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were withdrawn; and if could be so admitted, they would not be sufficient to sustain the charges therein contained:

And whereas, the senate being the constitutional tribunal for the trial of the president, when charged by the house of representatives with offences against the laws and constitution, the adoption of the said resolve before any impeachment preferred by the house, was a breach of the privileges of the house, a violation of the constitution, a subversion of justice, a prejudication of a question which might legally come before the senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the president should thereafter be regularly impeached by the house of representatives for the same offence:

And whereas, the temperate, respectful and argumentative defence and protest of the president against the aforesaid proceedings by the senate, was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its journal or printed among its documents, while all memorials, petitions, resolves and remonstrances against the president, however violent or un-

founded, and calculated to inflame the people against him, were duly and honorably received, encomiastically commented upon in speeches read at the table, ordered to be printed with the long list of names attached, referred to the finance committee for consideration, filed away among the public archives, and now constitute a part of the public documents of the senate, to be handed down to the latest posterity!

And whereas, the said resolve was introduced, debated and adopted at a time and under circumstances which had the effect of co-operating with the bank of the United States, in the parricidal attempt which that institution was then making to panic and pressure in the country, to destroy the confidence of the people in president Jackson, to paralyze his administration, to govern the election, to bankrupt state banks, ruin their currency, fill the whole union with terror and distress, and thereby to extort from the suffering and the alarm of the people the restoration of the deposites, and the renewal of its charter:

And whereas, the said resolve is of evil example and dangerous precedent, and should never have been received, debated or adopted by the senate, or admitted to entry upon its journal: *wherefore*,

Resolved, That the said resolve be expunged from the journal; and, for that purpose, that the secretary of the senate, at such time as the senate shall appoint, shall bring the manuscript journal of the session of 1833–'34 into the senate, and in the presence of the senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: "*Expunged, by order of the senate, this day of —, in the year of our Lord* 1836."

LETTER FROM THE WAR DEPARTMENT,

In answer to a resolution of the senate, calling for information concerning the Indian tribes, &c.

War department, March 8, 1836.

SIR: In conformity with a resolution of the senate, of the 2d ultimo, I have the honor, herewith, to transmit a tabular statement, giving the information called for respecting the number and situation of the Indians upon the frontiers of the United States, so far as this department can furnish it, and a report from major general Macomb, containing a plan for an increase of the numerical strength of the army accompanied by tables, showing the positions now occupied by it, the number to which it is proposed to increase it, its distribution, should such an increase take place, and the additional expense which will attend the measure.

It is, of course, impracticable to furnish any thing like accurate information concerning the number of Indians. All that can be expected is such an approximation towards the truth as our means of communication with them will permit. The population of those tribes which are in contact with our settlements, and more particularly of those to whom annuities are paid, may be estimated with considerable probability. But all computations of this nature, respecting the remote and wandering tribes, must be received with much doubt.

It appears, as a general result, from this statement, that about 31,000 Indians have removed from the eastern to the western side of the Mississippi river, and that about 72,000 yet remain to be removed. With a majority of the latter, treaty stipulations already exist for their removal, or for such arrangements as will necessarily lead to it. And there is little doubt but that nearly all of them will, within a few years, quit their present residences, and withdraw to the country west of Missouri and Arkansas. I would remark here, that this statement shows an increase of about 10,000 over the tables heretofore prepared at this department upon this subject. This increase has been occasioned by a census recently taken of the eastern Cherokees, and which shows the population of those Indians to be about 18,000. It is estimated that the indigenous tribes of the region between the Mississippi and the Rocky Mountains amount to about 150,000. These, added to the emigrants already removed, will make upwards of 181,000; and when all the tribes are removed, there will be an aggregate Indian population in that country of more than 250,000. This, it will be observed, is independent of the Indians upon the peninsula of Michigan, upon the shores of Lake Huron and Lake Superior, upon the northern coast of Lake Michigan, and of the various bands of the great Chippewa family, occupying the regions south of Lake Superior, and upon the heads of the Mississippi. Much of this country is of such a character that we cannot look forward to any reasonable time within which all these Indians will be required to emigrate. Those, however, in the peninsula of Michigan, will, no doubt, remove within a few years, and will still further increase the aggregate of the Indian population in the west.

It is difficult, from the mode of life, and consequent dispersed condition of the Indians, to state their positions accurately, with relation to the inland frontier of the United States, extending from Arkansas to Maine. Beginning, however, at Red River, it will be found that almost all this force is in contact, or may be in communication with the western and north western frontier of the United States. The Indians are very sparcely scattered along the shore of Lake Superior and towards the sources of the Mississippi. The Chippewas and Sioux, extensive families, and separated into many bands, divide those regions among them. These Indians are brought into contact upon the Mississippi, about the falls of St. Anthony. And as feuds have existed between them for ages, they frequently send war parties against each other, and, by this means, outrages have been committed upon our citizens. This state of things renders Fort Snelling, at the mouth of the St. Peter's an important point.

It will be seen, by the tabular statement, that the Indians in the state of New York are supposed to be about 4,000. But this department has not the means of ascertaining, with any precision, the number upon the north eastern frontier in the state of Maine. They have generally been computed in the statistical tables at about 1,000.

The statements herewith furnished embrace all the tribes who now occupy, or who it is supposed will occupy, the country west of the Mississippi, and extending to the Rocky Mountains. It may be safely estimated that this amount of Indian population can furnish 15,000 warriors, who may be considered so nearly in contact with our settlements, as to render them at all times dangerous neighbors, unless kept in check by a proper disposition of our military force; and it is probable that double that number could be supplied, if any circumstances should occasion a general war in that region, in which the Indians could be brought to unite. Such a result, however, is altogether improbable, as many of these tribes are hereditary enemies, and are in a constant state of hostilities with one another. And, from the dispersed condition of the Indians, as well as from their habits and the nature of their institutions, a general coalition is not to be anticipated. Nor, indeed, if it existed, could such a force be collected and brought to act together. Still, however, it is obvious that even now there is upon our western frontier a large force, which has been augmented, and is yet augmenting, by the action of the government, and upon whose peaceable or friendly disposition no reliance can be placed. And the scenes which are now going on in Florida, and those which have frequently taken place elsewhere, show that the Indians are totally ignorant of their own relative strength and that of the United States, or that, in a moment of impulse, they are totally indifferent to it. A just regard to the tranquillity of an important section of the union requires that measures should be permanently adopted for preventing a renewal of those predatory incursions which have occasioned so much loss of life and property.

In further obedience to the resolution of the senate, I have the honor to report that I consider the "present military force of the United States" insufficient "to garrison the fortifications of the seabord, and at the same time give protection to the inhabitants residing in the states and territories bordering on the Indian frontier."

The aggregate number of the non-commissioned officers, musicians and privates of the army, according to the existing laws, is 6,301. This is exclusive of the men engaged in the ordnance service, who are principally artificers, and are employed in duties relating to the custody, preservation, repairs, &c. of the public arms. Owing, however, to sickness, to occasional absence, and to the time lost in recruiting and in marching to join their respective corps, as well as to other causes, the actual disposable strength does not average more than 5,260. This is now organised into one regiment of dragoons, four regiments of artillery, and seven regiments of infantry, occupying fifty-three stations, extending along the whole frontier of the U. States, inland and Atlantic. If equally divided, the force actually in service would allow to each post a little less than one hundred effective men.

Extensive and permanent fortifications have been constructed upon the seabord, and it seems to be generally conceded that our most important points of communication with the ocean should be gradually rendered secure by similar works against the advance of an enemy. These forts, as they are finished, should be occupied by troops not only to prevent such insults and injuries as large commercial places are exposed to, whose approaches are not sufficiently guarded, but also to keep the works in a proper state of preservation. These duties, it is believed, will require the artillery force proposed to be maintained. Experience has shown that we are perpetually liable to occurrences which demand the concentration and movement of the troops. Whenever these happen, the positions occupied must remain defenceless, unless a greater force is raised. This is now the state of things along almost all our Atlantic border.

With respect to the inland frontier, circumstances of a still more imperative character require an augmentation of the army. Events have shown that our force in that quarter is not sufficient to keep the Indians in check. Disturbances are continually occurring at comparatively short intervals, some of which terminate merely by alarming and agitating the country, while others lead to hostilities, more or less extensive. On these occasions, the regular troops are collected from great distances, and a militia force is usually called out. Heavy expenditures are the necessary consequences, besides the loss of property and derangement of business in the section of country where these troubles exist. Instead of having a force at all times embodied, sufficient to overawe the Indians, or, if they commence hostilities, immediately to subdue them, much time is lost in the necessary arrangements, while the spirit of disaffection is spreading, and the hostile force becomes thus greatly increased. Within the last nine years we have had four difficulties of this nature: one with the Winnebagoes, two with the Sacs and Foxes, and one with the Florida Indians; which altogether have occasioned great loss of property, great derangement of business, a heavy expenditure of money, and much

inconvenience in those portions of country affected by these troubles, and which furnished the militia whose services were required to aid the regular troops in their operations. An augmentation of the army to a reasonable extent, if it did not prevent these occurrences altogether, would certainly render them less frequent, as well as less injurious and extensive. And this policy is not less humane than useful. It is far better, by the display of force, to render its actual employment unnecessary, than it is to be compelled to resort to it, with all the usual accompaniments of an Indian campaign.

The army is so constituted that a very considerable addition may be made to its rank and file, with but little increase in the expense of the officers. It is proposed to augment its numerical strength to 9,955; to leave the regiment of dragoons as it now is, and so to distribute the additional force as to make five regiments instead of four of artillery, and nine regiments instead of seven of infantry. A regiment of artillery now contains 497 non-commissioned officers, musicians and privates, divided into nine companies; and a regiment of infantry, 514 non-commissioned officers, musicians and privates, divided into ten companies. The plan submitted proposes to add 2,032 men to the artillery, and 1,622 to the infantry, and to divide the regiments of both arms into eight companies each, giving to each regiment of the former 804 non-commissioned officers, musicians and privates, and to each regiment of the latter 580 non-commissioned officers, musicians and privates. This organization into companies will have the advantage of uniformity, and it is believed will be found more advantageous to the service than the existing one. The whole artillery force now authorised by law is 1,988, and that of the infantry 3,598, which, with the addition proposed, will make the whole artillery force 4,020, and the whole infantry force 5,220; thus raising the legal establishment of the army to 9,955. These numbers, it will be observed, are exclusive of the commissioned officers. By authorising the president to require one of these regiments to do duty as riflemen, and one as light infantry, our military establishment would be rendered more complete, and in some situations more efficient; and this might be done without any addition to the expense of maintaining the troops.

The proposed augmentation of the non-commissioned officers, privates and musicians, may be so distributed as not to require any change in the number of the regiments, or in the grades of the officers, by simply adding a given number to each company. The only advantage, however, of this plan over the proposed one is, that it may be carried into effect at a little less expense. This consideration is always important, and when not counterbalanced by other circumstances, should be decisive. But I think that in this case the difference in the expenditure is not sufficient to outweigh the other advantages which are presented by the *projet* herewith submitted.

It is proposed to reduce the number of second lieutenants from 142 to 112, making a diminution in that grade of thirty; and at the same time to add twenty-five other officers, making an actual reduction of five in the existing establishment. But as those who are added will be of higher grades, this arrangement will occasion an increase in the annual expense of $8,573 as is shown by one of the accompanying tables. But it will give more efficiency by the increased rank, authority and experience of the officers, while at the same time it will probably be found that the number of men proposed to be added to each regiment will be sufficiently great for the attention of all the officers. It will also prevent, in some degree, that dispersion of the regiments, which is very injurious to our service, as it materially impairs the personal superintendence of the field officers. These advantages will be greater as the sphere of command is removed to the more remote frontiers, where circumstances necessarily require higher responsibility and more experience.

All the information necessary to a full knowledge of the increased expense which will attend the addition herein proposed to the numerical strength of the army, will be found in the accompanying tables.

I beg leave to remark that the plan of organization above proposed proceeds upon the assumption that the whole force of the non-commissioned officers, musicians and privates of the army will be about ten thousand. That is the smallest number which, under present circumstances, the public interests will, in my judgment, allow. Should congress, however, think it proper to add to that number, then I would recommend that the infantry companies be placed upon the same establishment as the companies of artillery. This would render the organization uniform in all respects, and, from the casualties of the service, would not probably give more than two-thirds of the number for active field operations. Very respectfully your most obedient servant, LEW. CASS.

Hon. M. Van Buren, *president of the senate.*

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CENSUS OF INDIAN TRIBES REPORTED IN 1836.

Number of Indians emigrated.

Winnebagoes	700
Chippewas, Ottawas, and Pottawattamies	1,200
Pottawattamies from Indiana	441
Choctaws	15,000
Quapaws	300
Creeks	3,600
Appalachicolas	265
Cherokees	6,000
Kickapoos	588
Delawares	826
Shawanees	1,250
Ottawas	200
Weas	222
Piankeshaws	162
Peorias and Kaskaskias,	132
Senecas	251
Senecas and Shawanees	211
Total	31,357

Number of Indians to remove.

New York Indians	4,176
Ottawas of Ohio	230
Wyandots	575
Pottawattamies of Indiana	3,000
Miamies	1,100
Chippewas, Ottawas and Pottawattamies	6,400
Winnebagoes	4,500
Menomonies	4,200
Cherokees	*18,000
Creeks	21,000
Chickasaws	5,600
Seminoles	3,000
Appalachicolas	400
Total	72,181

Number of Indians south of Lake Superior.

Peninsula of Michigan	5,674
North western coast of Lake Superior	274
Northern curve of Green Bay	210
Sources of the Ouisconsin and Menomonie rivers	342
North west coast of Lake Huron	302
St. Mary's river	436
Southern shore of Lake Superior	1,000
Total	8,238

Number of Indians of the indigenous tribes, within striking distance of the frontier.

Sioux	27,500
Ioways	1,200
Sacs	4,800
Foxes	1,600
Sacs of the Missouri	500
Osages	5,120
Kanzas	1,471
Omahas	1,400
Otoes and Missourias	1,600
Pawnees	10,000
Camanches	7,000
Kioways	1,400
Mandans	15,000
Quapaws	450
Minatares	15,000
Assinaboins	8,000
Creeks	3,000
Gros Ventres	3,000
Crows	4,500
Caddoes	2,000
Poncas	800
Arickaras	3,000
Cheyennes	2,000
Blackfeet	30,000
Total	150,341

The recapitulation shows the number of Indians that will be between the frontier and the Rocky Mountains, after the emigration is completed.

RECAPITULATION.

Number of Indians emigrated	31,348
Number of Indians to remove	72,181
Number of Indians of the indigenous tribes	150,341
Total	253,870

Probable distance on the map from Red river, at Fort Towson, to Fort Snelling.

From Fort Towson to Fort Gibson	200
" Fort Gibson to Fort Leavenworth	300
" Fort Leavenworth to Fort Snelling	400
Total	900

Probable distance from Fort Towson to Fort Crawford.

From Fort Towson to Fort Leavenworth	500
" Fort Leavenworth to Fort Des Moines	200
" Fort Des Moines to Fort Crawford	130
Total	830

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Head quarters of the army, Washington, March 7, 1836.

The hon. Lewis Cass, secretary of war:

The undersigned, in conformity with the instructions of the secretary of war, to submit a project for augmenting the military establishment to ten thousand men, without increasing the number of officers, has, after fully considering the subject, come to the following conclusion:

*The number of Cherokees has been stated, in other communications made the present session, at 8,000; the above number is taken from a census recently received.

The present establishment consists of 4 regiments of artillery, of 9 companies each, each company of 55 men, making an aggregate in the 4 regiments, including the non-commissioned staff, of 1,988
7 regiments of infantry, of 10 companies each, each company of 51 men, making an aggregate, in the 7 regiments, including the non-commissioned staff, of 3,598
1 regiment of dragoons, aggregate 715

Aggregate of the army 6,301

The organization of the regiments of artillery into nine companies is not convenient, nor do the four regiments furnish a sufficient number of companies for the seabord. It is therefore proposed to add one regiment of artillery, and make each company to consist of 100 men, instead of 55, as now organized. This organization will give a force of 4,020 non-commissioned officers, musicians, artificers and privates, in the artillery, as will be seen by the accompanying paper marked A.

The organization of the infantry might also be improved, and the regiments rendered much more useful and efficient, by making each regiment to consist of eight companies instead of ten, and by adding two regiments, to be armed as light infantry or riflemen, to consist also of eight companies each, which can be done by simply adding two companies to the infantry, there being at present seven regiments of infantry on the establishment, consisting of ten companies each, which give an aggregate of seventy companies. By the addition of two companies, the required number of companies, to wit, seventy-two, will be obtained, to constitute nine regiments of eight companies each, and each company to consist of 72 non-commissioned officers and privates, making the whole of the infantry force 5,220 men, as will be seen by paper marked B.

The formation of regiments into eight companies is conformable to our established system of tactics, and is every way much more convenient for manœuvring than either a formation of nine or ten companies, as is now the case with our artillery and infantry. A uniform organization into eight, both for artillery and infantry, is preferable and more systematic than the irregular formations now existing in the regiments of those arms in our service, as shown above.

If this organization should be adopted, the military establishment would then consist of—
5 regiments of artillery of 8 companies each, or 40 companies 100 strong, giving a force, including 20 non-commissioned staff, of 4,020
9 regiments of infantry, 8 companies each, each company 72 men, making 72 companies, including 36 non-commissioned staff, giving a force of 5,220
1 regiment of dragoons 715

Making an aggregate of 9,955

Although the number of regiments is increased by the proposed plan for augmenting the army to 9,955, the number of officers is rather diminished than increased, as will appear by the following statement:

There are in the existing four regiments of artillery,
Colonels.... 4
Lieutenant colonels.... 4
Majors.... 4
Captains.... 36
First lieutenants.... 72
Second lieutenants.... 72
—192

There are in the present seven regiments of infantry,
Colonels.... 7
Lieutenant colonels.... 7
Majors.... 7
Captains.... 70
First lieutenants.... 70
Second lieutenants.... 70
—231

Aggregate officers in artillery and infantry.... 423

In the proposed five regiments of artillery there will be,
Colonels.... 5
Lieutenant colonels.... 5
Majors.... 5
Captains.... 40
First lieutenants.... 80
Second lieutenants.... 40
—175

In the proposed nine regiments of infantry there will be,
Colonels.... 9
Lieutenant colonels.... 9
Majors.... 9
Captains.... 72
First lieutenants.... 72
Second lieutenants.... 72
—243

Aggregate of officers of artillery and infantry, as proposed 418
Aggregate in the present establishment.... 423

Difference.... 5

As the number of men in all the companies of infantry and artillery is considerably increased, an additional number of non-commissioned officers becomes indispensable. In lieu of the non-commissioned staff officer, heretofore denominated *sergeant major* of a regiment, it is proposed to substitute that of *sub-adjutant*, to have the rank pay, and emoluments of a cadet, with a suitable allowance of clothing, not exceeding the cost of that now allowed a *sergeant major*. To this office the sergeants may look as the reward of merit, and as the stepping-stone to promotion of lieutenant. It will give great encouragement to the non-commissioned officers of companies, as well as the rank and file, when they see before them a prospect of promotion to the rank of commissioned officer through the non-commissioned staff. For the same purpose, and with a view to facilitate and distribute more properly the company duties, it is proposed, in the organization, that the first sergeant of each company be styled *sergeant major*, with the pay and allowances as now provided, which are somewhat greater than those allowed to other sergeants. His duties to the company are analogous to those of an adjutant of a regiment, he having to attend, under the direction of the captain, to all the company details as it regards the duties of the non-commissioned officers and privates, and the making out of reports, &c. To each company there is also provided a *quartermaster sergeant*, an indispensable non-commissioned officer, whose duty it is, under the direction of the captain, to take charge of the camp equipage, spare arms, extra clothing, and other property belonging to the company, and keep the accounts of them, as well as to attend to the distribution of the rations, straw, wood, &c. and on the march to take charge of the company baggage: his pay to be the same as that of the other sergeants. In the French army these two non-commissioned officers are allowed to every company, under the title of *sergeant major* and *fourrier*. There is no service in which these officers are more wanted than in ours, because our troops are frequently separated from their baggage; in marching through the wilderness, where it is impossible to transport it, and consequently, obliged to be sent round to meet the troops, either by land or by water, when it is much exposed to be lost or damaged; and thus the troops arriving at the points where they may expect to meet their baggage, without these officers to take charge of it, will be often disappointed, and suffer for the want of essential comforts.

Although, according to the instructions of the secretary of war, the organization here proposed is limited to *ten thousand men*, and which may be considered as a minimum force for the purposes for which the army is intended, it is respectfully recommended that, in order to have the amount of force always effective, eighteen men be added to each company of infantry and artillery, which would increase the nominal force to something below *twelve thousand men;* but owing to the fact of the men being enlisted for only three years, the great distance the recruits have generally to march, and the time consumed in joining the regiments on the frontiers, and the necessity of keeping within the authorised numbers, it hardly can be expected that *ten thousand men* would ever be exceeded, should congress authorise twelve thousand men, as here recommended.

Upon a review of the fortifications which have been erected, and which are now in progress for the defence of the seacoast, it is found that there is a considerable deficiency of artillerists to serve the guns, and to guard and preserve the forts, as well as the valuable property in them. It is therefore proposed, as above recommended, to augment the number of companies in the artillery from 36, as now authorised, to 40. These companies of artillery it is proposed to distribute along the seabord, from Eastport, in Maine, to the delta of the Mississippi; and in order to show the proposed distribution, two tables are here annexed, marked C and D; that marked C shows how the existing thirty-six companies may be most advantageously disposed of; and that marked D, how it is proposed to distribute the forty companies. Also, a list of forts on the seacoast, prepared by the adjutant general, marked E.

The infantry force, with that of the regiment of dragoons, is best adapted to the defence of the frontiers, including the Gulf of Mexico. The present amount of infantry is not sufficient, in the opinion of the undersigned, to afford adequate protection to the inhabitants residing in the states and territories bordering on our Indian and other frontiers, and guarding the arsenals in the southern and western states.

If the project above recommended, of organizing the infantry, as exhibited in paper marked B, be adopted, making the infantry consist of nine regiments, instead of seven, it is proposed that they be distributed on the frontiers and on the Gulf of Mexico, as shown in paper marked F, which organization and distribution, it is believed, will be the most effectual for maintaining the discipline of the army, and affording protection to our extensive frontiers.

Paper marked G contains a summary of the expense of the present and proposed regiments of artillery and infantry.

Respectfully submitted, ALEX. MACOMB,
major general, commanding-in-chief.

MARYLAND.

GREAT MEASURES PROPOSED.

Report of the committee of ways and means of the house of delegates of Maryland—made to the house March 9.

The *committee of ways and means* have the honor to report to the house of delegates, that they have carefully examined and considered the report of the treasurer of the Western Shore, and particularly the estimate of receipts and expenditures, and are assured by them of adequate supplies to meet the wants of the current fiscal year. Whether a large addition will not be made to the list, already formidable, of unproduc-

tive capital, and a large and increasing deficit of means to meet the engagements of the state, appal the eyes of our successors, must depend upon the wisdom and decision of the assembly now convened. Your committee, deeming it unnecessary to recapitulate or transpose what has been set forth with adequate clearness by the treasurer, proceed to spread before you the reflections and conclusions to which they have been irresistibly led, upon the latter immeasureably more important inquiry.

In approaching the consideration of the financial concerns of the state at the present session, the object towering above all others and compelling alarmed attention, was the disclosure, that the estimates of the cost of completing the Chesapeake and Ohio canal to Cumberland have proved largely inadequate. So large a portion of the state's capital and credit have been embarked in the construction of rail roads and canals, that these works now constitute the leading feature of the fiscal policy of the state, and the duties of the committee of ways and means are necessarily mingled with, and must probably ever remain inseparable from those hitherto deemed more exclusively the province of the committee on internal improvements. Without further and liberal aid from the state, the prosecution of the Chesapeake and Ohio canal must shortly cease—far short of the region which has always been regarded as the great source of its revenues, and the great inducement to its construction. Their work thus incomplete, that company would possess but very small means of reimbursing the loan which it has received from the state, or even of paying the annual interest upon it; while the large amount of stock previously subscribed for, would necessarily prove a total loss; and a resort to other means of maintaining the credit of the state, however painful, would prove inevitable.

The committee has not thought proper further to pursue the train of inquiry indicated, because, however for a moment we may have been startled by the erroneous estimates of which we have spoken, to stop, with the work in its present condition, is a thing not to be thought of. It must go on, and with unflinching energy, redeem itself. Its execution must furnish the *ways and means* of refunding the expenditure it has caused, and must yet occasion, and we are yet unshaken in the conviction, and rejoice in the full belief, that when completed to Cumberland the transportation of the single article of coal will produce a revenue more than sufficient for that purpose. Maryland is, in every respect, most deeply concerned and responsible for the result. The whole work being pledged in their hands, means to prosecute it can be obtained from no other quarter. It is incumbent upon her to furnish them, and promptly. The evil of delay will be felt by all, but as the largest contributor, on her it will fall with the greatest severity.

From these remarks it will be seen that your committee has not felt at liberty to pass by the subject of the investments of the state in internal improvements, but on the contrary have been necessitated to devote a large share of their reflections and deliberations to that absorbing topic, and in doing so have arrived at conclusions, which are now presented to the legislature, as to the mode in which alone those investments may be rendered safe and profitable, while the system is further and harmoniously extended, so as to produce the greatest good to the greatest number; develope the resources and augment the commerce, population and wealth of the state.

The condition of the currency has not failed also to attract their careful attention. Maryland is a small and central state, surrounded by large and powerful communities, the movements and policy of which in relation to this subject, cannot fail to be felt throughout her borders, with an intensity little short of the results of her own legislation. It is therefore idle for her statesmen to think of regulating her course by abstract theories: The facts which surround us, force themselves into observation, and by them we must be guided, or be made to bear the evils, while precluding our people from participation in the mixture of good with which the period seems fraught.

The causes of the depressed value of large portions of the landed estates, and of the emigration of our people, are so intimately connected with the subject of national wealth, that it was also to be expected of the committee that they would endeavor to investigate and suggest appropriate remedies for those evils.

In the examination of the first of these topics, the internal improvement of the state, your committee have been obliged to consider it with reference to a general system. Without doing so, they found it impossible to recommend any measure, with a certainty that it would not be found ultimately, to be partial in its effects and liable to interfere with such enlarged scheme as the state, having in view the full development of its resources and the benefit of its citizens, might deem it just and expedient to adopt and prosecute.

Your committee believe that the time for the adoption and prosecution of a general system has now fully arrived. It has been accelerated, not only by the partial action of Maryland heretofore upon the subject, but by the rapid steps that have been taken by neighboring states, with which she is in competition for those ends that internal improvements are alone competent to attain.

Your committee propose therefore to present to your consideration their views with regard to the general system which they are of opinion should now be prosecuted by the legislature—to show how far it has already been accomplished by existing works—what new works are still required to perfect it in its principal features—how far pecuniary aid from the state is essential, and the mode in which that aid ought to be rendered, so as to produce the greatest amount of benefit, while at the same time it imposes, if possible, no burden upon the people.

The system of improvements best suited to Maryland, is rendered simple by the peculiar features of her geography, and its chief lines are indicated by the Chesapeake bay and the great rivers which fall into it. It should be such a system, that while it unites different and remote portions of the state, in the best and most convenient manner, would at the same time connect the state with its neighbors, or more remote states, in the mode which, as far as possible, makes them through their wants and interests, contributors to its prosperity and increase.

The principal line of the general system, which presents itself at once upon the inspection of the map of the state, is that which passes through it from its western to its eastern border, along the valley of the Potomac, diverging to Baltimore, and from thence, crossing the Susquehannah near its mouth, and terminating at the Delaware boundary in the north east portion of the state, in Cecil county. This line may be termed the axis of the system, and its extension beyond the limits of the state to the west, would reach Wheeling and Pittsburgh, from which places there is little doubt, that it would be continued through Ohio to Meaumee bay, at the western extremity of Lake Erie; thence to be carried on to Michigan city and Chicago, at the head of Lake Michigan—and thence to Galena, on the waters of the upper Mississippi and Alton, at the mouth of the Missouri river. The eastern prolongation of the same line, would pass through Philadelphia, New York and Boston, and being thence carried to Belfast, in Maine, would in all probability terminate on the St. Lawrence, in the neighborhood of Quebec.

A portion of this line within the limits of Maryland, is already the designated route of both the Chesapeake and Ohio canal, and the Baltimore and Ohio rail road, which works, diverging at the Point of Rooks, will again unite in the city of Baltimore, agreeably to the original intention of the legislature, as evinced by the acts of assembly of 1825 and 1826; the remainder of the line within the state, admits of both a rail road and canal communication, from Baltimore to the Susquehannah, and from thence to the eastern boundary of the state, of rail roads only.

From the main line or axis, of the system thus described, there branches towards the north a rail road from Baltimore to the Susquehannah above the Pennsylvania line, while a series of canals down that river meets the same line again near its mouth—another branch to the north should be one, which leaving the main line at Hagerstown, would unite with the rail road along the Cumberland valley in Pennsylvania.

To the south of the main line, there should be a rail road from Elkton or its vicinity, passing near the heads of the rivers on the Eastern Shore, close to the Delaware boundary, and terminating by one branch at Watkins' Point in Somerset, and by another, on the southern boundary of Worcester county, with convenient lateral connections with various points on the Chesapeake bay: thus offering to the inhabitants of that beautiful peninsula a direct and easy communication with either Baltimore or Philadelphia, and putting them, by means of steamboat navigation across the bay, in close connection with the internal improvements, which, commencing at Norfolk, open a way through the entire section of the union.

Another branch towards the south, is the admirable rail road which connects Baltimore and Washington, and whose continuance into Virginia will be perfected on the completion of the rail roads from the Potomac through Fredericksburg, Richmond and Petersburgh to Wiedon in North Carolina, where it will intersect the Norfolk improvements above mentioned. Parallel to the rail road between Baltimore and Washington, will be a most important part of the main line, already in view, continuing the Chesapeake and Ohio canal to Baltimore, the termination originally destined for it by the state of Maryland. Another branch to the south, is the rail road which crosses the Potomac at Harper's Ferry, and unites with the Winchester and Potomac rail road, and the other rail roads which aim at the remote south west through the great valley of Virginia and Tennessee. Another branch from the principal line above laid down, should be a canal, which diverging from it, either in the District of Columbia, or at some preferable point, would terminate on the Severn river, and at or near Annapolis.

If the lines, here indicated, are drawn upon a map, of the state, it will be seen that there is not a county which is not in near proximity to some one or other of them; and but *four* through which one or other of them will not pass. Of these, the three lower counties of the Western Shore are so intersected by water courses, with the Potomac on one side, the Chesapeake bay on the other, and the Patuxent river dividing the peninsula, that nature may be said to have supplied or preoccupied the place of artificial improvements, by multiplying, in all directions, her facilities of intercommunication. One of the recommendations of the system here suggested, however, is, that it admits of almost indefinite ramification; inasmuch as each of these lines is capable of being made the axis of a system of its own; so that at a future day, should any extension of the system become desirable, a branch of the Washington road, or of a cross-cut canal, may be extended through, or along the counties of Charles, St. Mary's and Calvert; while a branch of the Eastern Shore rail road to the flourishing town of Easton,

will probably be constructed immediately after, if not simultaneously with the construction of the principal road.

The works here enumerated may be classed in the following order:

1. The main line from east to west, consisting of the Chesapeake and Ohio canal and the Baltimore and Ohio rail road, the extension of the Chesapeake and Ohio canal to Baltimore, the Baltimore and Port Deposite rail road, a canal from Baltimore to the Susquehannah, the Wilmington and Susquehannah rail road, the Oxford and Cecil county rail road, and the Newcastle and Frenchtown rail road.

Of these works the Newcastle and Frenchtown rail road has been completed, and in use for some time. The Baltimore and Port Deposite, the Wilmington and Susquehannah, and the Oxford and Cecil county rail roads are in the hands of joint stock companies, and will before long, it is understood, be ready for use. The canal from the Susquehannah to Baltimore is not yet undertaken, although spoken of. Its execution is uncertain, and must depend upon circumstances; but if made, it will probably be at the expense of individuals, without the aid of the state. The cross cut or extension of the Chesapeake and Ohio canal to Baltimore, is a work, in the opinion of this committee, of the highest moment to the state, and towards its completion they propose, a moderate subscription and such alterations of the charter of 1825, as have been rendered necessary by the abolition of the board of public works. The near approach of the fruition in the trade, which we have so long and arduously labored to create on the Chesapeake and Ohio canal, should admonish the citizens of Baltimore, and the state at large, that the execution of this extension should be no longer delayed. The Baltimore and Ohio rail road and the Chesapeake and Ohio canal are still incomplete; large sums have been expended upon them, and your committee will, for the reasons hereinafter given, recommend that the aid of the state be decisively afforded to those cardinal works. To the improvements enumerated under this head, may be appropriately added the canal or slack water navigation on the north branch above Cumberland, and and the various rail roads projected to the coal and iron mines in that region, plans for which are now before the legislature. These works are of vast importance, and will constitute the ducts to convey to the greater arteries, the trade which will give them utility and produce their revenue. To execute them no pecuniary aid is sought from the public treasury; they will be undertaken and accomplished, probably in anticipation of the opening of the Chesapeake and Ohio canal, by the enterprise of the proprietors of the mines, if encouraged by the grant of suitable powers, and such as ordinarily given, without bonus or other public inducement—a result which the wise sanction of the committee on internal improvement and the enlightened liberality of the legislature leaves no room to doubt.

2. Of the branches from the main line to the north. These are the Baltimore and Susquehannah rail road, the canal up the Susquehannah, and the rail road from Hagerstown to Chamberburgh, and possibly a branch from the same place to Gettysburgh. The loan of a million of dollars, authorised at the last session of the legislature, has secured the completion of the first of these, according to actual estimate, it is understood, without the necessity of further aid from the state; and the other northern lines, will unquestionably be perfected by the wants of Pennsylvania and by individual enterprise.

3. Of the branches of the main line to the south. Of these, the Washington rail road, and the connection with the Winchester road have been completed; while the rail road from Elkton to the southern limits of Somerset and Worcester counties, is not yet, but will be speedily, authorised by law, and a charter has been but recently obtained for the construction of the canal from Washington to Annapolis. Both of these projected works are, in the opinion of your committee, in a high degree deserving of the aid and patronage of the state, and it is the intention of your committee accordingly to recommend subscriptions to the stock of each of them.

From the enumeration here made, it will be perceived that but a few of the works, deemed by your committee, necessary parts of a general system, have not been actually commenced; and all that is now necessary to bring that system into full and complete operation, is the aid of the state, required to finish some of them. Of these not yet commenced, or still unfinished there are but five, which in the opinion of your committee, require the pecuniary assistance of the state—These are

1. The Chesapeake and Ohio canal.
2. The Baltimore and Ohio rail road.
3. The Maryland canal.
4. The canal to Annapolis.
5. The Eastern Shore rail road.

Your committee has before adverted to the disappointment which prevailed in the legislature, when it was ascertained that the appropriation made at the last session to the Chesapeake and Ohio canal, had been found insufficient to complete the work to Cumberland, and that a large sum would still be required for that purpose. Without attempting a detailed examination of the facts connected with this subject, in the absence of all charge or suspicion of improper expenditure of the fund for objects unconnected with the canal, your committee do not doubt, that the cause of the error is to be found, in the vague and uncertain character of the estimates submitted at the last session, and that those who submitted them were as much imposed upon by their belief in their correctness, as was the legislature itself. One thing is certain—if the Chesapeake and Ohio canal was, twelve months since, of sufficient importance to induce the legislature to determine on its completion, whatever mistakes may have occurred cannot have altered or diminished its importance, as a great and inestimable public work. Time, instead of lessening our conviction of its value, has on the contrary greatly increased it, by the development that has taken place since the last session, of the mineral treasures of the mountainous region, into which it penetrates. A further most valuable and unexpected consequence has followed the grant of that session, in the immediate influx of capital and enterprise, which have largely enhanced the value of property in that region, which now stands ready and is praying for permission to execute dependent works, that but a few years since would have deemed enterprises, not unworthy of the means and energy of a sovereign state. As part, therefore, and a most important part of a general system, and as a source which cannot ultimately fail of great pecuniary as well as political advantage, your committee would recommend an immediate subscription to the stock of the Chesapeake and Ohio canal, to such an amount as will secure its completion. Whatever may have been the vagueness and uncertainty of the estimates of 1835, those furnished to the present legislature may, it is believed, be certainly relied upon; and they fix the amount that may be required, at something less than three millions of dollars. To these estimates must necessarily be added, the expense of feeders to be brought from several of the principal southern tributaries of the Potomac across that river by acqueducts, and the cost of lock keepers' houses and other incidental charges which render it expedient that the subscription should embrace that sum.

The next work in order, is the Baltimore and Ohio rail road. The Chesapeake and Ohio canal, should it never be extended beyond Cumberland, would be, to most purposes, a perfect work, and make an ample return to the state from the profits to be derived from the transportation upon it of the products of the mountain region alone. On the other hand the Baltimore and Ohio rail road would derive its revenue from the transportation of passengers chiefly, and the number of these would depend, in the greatest degree, upon its completion to the navigable waters of the west. Whilst the canal therefore might, without injury to the interests of Maryland, suspend its progress at Cumberland, the rail road to be equally advanced, so far as profit is to considered, must be pushed forward to the Ohio. The following estimate of the probable profits of this work when completed to Pittsburgh and Wheeling, is chiefly derived from the calculations of Jonathan Knight, chief engineer of that company, and falls, it is believed, within the most moderate calculation:

300 passengers per diem (150 each way) 400 miles at 3 cents a mile $3,600, making per annum		$1,314,000
Interest on $12,000,000, the entire cost of the road when completed at 6 per cent.	$720,000	
Add the amount for moving power, salaries, repairs, contingencies	720,000	
And the sum of this is		$1,440,000

So that taking the cost of working the road at the exaggerated sum of one half the receipts, the work, from the transportation of passengers only, would probably pay six per cent. upon the capital invested in it. When to this, however, is added the revenue from the transportation of goods and merchandise on this great highway, and that which it must derive from the carriage of the mails and other property of the United States, no reasonable doubt can be entertained as to its ample returns of profit. To this work your committee recommend a subscription also of $3,000,000, and in order to make the completion of the road certain, they further recommend that this subscription shall only be made, when four millions in addition to the present capital shall have been subscribed, bona fide, to the stock of the company from other quarters, or funds to that amount contributed in some form other than by loan on interest.

This will make $7,000,000, which, with the yet unpaid capital of the company, will produce nearly the sum of eight millions of dollars, for which the road can be finished. For this belief your committee have the estimate of the distinguished engineer above named, and have in further support, the fact, drawn from the experience of the company, that the road, so far as it has now progressed, has cost, exclusive of the portion in the immediate vicinity of Baltimore, which peculiar circumstances rendered expensive, but little more than $22,000 per mile. And it is believed, this average will hold good for the remaining distance of 318 miles; giving the sum total of $6,996,000, say seven millions; leaving $1,000,000 to meet contingencies and furnish the moving power and other machinery.

To the Eastern Shore rail road your committee would recommend a subscription to the amount of one million of dollars, on condition that there shall have been first subscribed, bona fide, to the stock of the company by others, such sum as with the state's subscription shall be, after a careful location of the road, estimated to be necessary to its construction.

To the cross-cut or Maryland canal from the Chesapeake and Ohio canal to Baltimore, and also to the Washington and Annapolis canal, your committee would recommend a subscription of $500,000 each, upon condition in each case, that the sum of $1,000,000 if so much shall be estimated to be necessary for the completion of the works respectively, shall have been subscribed by other bona fide subscribers.

In the case of the last mentioned work your committee recommend that the option be allowed the company of tapping

the Maryland canal at any convenient point, if upon examination it shall be found, on the score of economy or in other respects, preferable to a separate canal, and if the connection be found to be practicable without injury to the other improvement.

The proposed appropriations towards the accomplishment of these great public works, are as follows:

To the Chesapeake and Ohio canal	$3,000,000
To the Balitmore and Ohio rail road	3,000,000
To the Eastern Shore rail road	1,000,000
To the Maryland canal	500,000
To the Annapolis canal	500,000
Making in all the sum of	$8,000,000

Your committee propose presently to recur to this subject, being now led to the discussion of the second leading topic proposed. As has been before intimated, the committee desire to meddle little with abstract theories. It is not intended here to examine whether it be desirable or practicable in the present state of society to banish from use bank paper, substituting the precious metals; or whether the latter could be commanded in quantity adequate, without aid of paper, to meet the demands of a commerce of infinite activity. These things are at least impossible in this state, under the circumstances of our union, and there is a crowd of evidence around, that unless nearly all our sister states are mistaken in the means by which they seek to benefit themselves, this state has erred by indisposition to change, and by too close an adherence to a hard money currency. It is besides, embarrassing to perceive the most unequivocal signs of prosperity in some of those states, coincident if not correlative with their deviation from that which many deem the path of safety.

To show this, a few examples will suffice:

The area of *Maryland* contains eleven thousand square miles, with a population of 447,000, or about 41 to the square mile, and we have at this time a banking capital amounting in all to about eight millions of dollars.

Louisiana, with a population of 215,739, had, at the commencement of the present year a bank capital of twenty-six and a half millions, which has since been increased to about fifty millions.

Rhode Island, with an area of only 1,200 square miles, and a population of 97,000, or 81 to the square mile, has no less than sixty banks, with an aggregate of capital of more than eight millions of dollars!

The committee need not attempt to recapitulate the great enlargement of bank facilities which has recently and is now about to be made in Pennsylvania, nor advert to the equal steps of the great state of New York—but behold the galaxy of prosperity. The two latter, advancing with giant strides, emulous of each other, grasping at the commercial rule of a continent, while the spirit of successful enterprise fills the dwellings of their humblest citizes with joy and plenty—Louisiana, growing with unparalleled rapidity, and expanding herself as it were to receive the rich tribute of the hundred armed father of waters: Rhode Island, with a population scarcely equal to the city of Baltimore alone, with an area and with water power not exceeding those of Baltimore county—sits, self-poised, amidst her hundreds of cotton manufactories, while her hardy mariners penetrate into every sea, a miracle of commercial and manufacturing enterprise.

Why does Maryland exhibit a spectacle so different? Is not the answer plain, that *under the laws of Rhode Island, one hundred citizens have the use of as much banking capital as is afforded in Maryland to five hundred? In other words, if the banking capital of this state were increased to forty millions, the people would in that respect enjoy commercial facilities, about equal to those, of which the people of Rhode Island are in possession.* Proofs of the same character might be readily drawn from the statistics of almost every member of this union, and if there be any, whose policy squares with ours, there may the idle ship be found rotting at the wharf, while lethergy seals up the eyes of the people.

Your committee are far from designing to recommend at this time, an increase of capital to so great an amount as comparison with those examples would seem to render reasonable. Caution is to be used in the effectuation of all great changes, however desirable they may appear: but a moderate increase would seem indispensable under existing circumstances; and yet more so, if the great improvements we have spoken of are indeed to be prosecuted, and the destiny of the state fulfilled. Why is it that the cities of New York, Philadelphia and New Orleans require bank facilities, so extensive as we know they have and use—in the latter city, too, at the rate of ten per cent. interest, while here the rate is but six? Because nature for one, and art and industry for the others, have opened up the trade and supply of the vast, the fertile, the increasing interior. If Baltimore is to enter into that glorious competition, she must like them, have her facilities for business increased, and her capital made commensurate to her commerce, of which that of Maryland, great as it must become, will constitute but a very small part.

There are yet other important considerations, tending to the same result, and to others of a singular moment. It is impossible to close our eyes to the various tendencies of a question which is now deeply agitating the public mind of this union. In our state the distinction between master and servant, is color. In the administration of her government the servant has no participation; and hence although the voice of fanaticism may be heard from abroad, we aspire to the tower of frowning down and repressing disorder, wherever it may originate, and are enabled to protect our capital against the levelling cry of "the poor against the rich," which in the non-slaveholding states, must ever place the property of the employer under the control of the employed. The fanaticism which would intermeddle with and wrest away the rights of the south, if not general at the north and east, at least there finds shelter; and while Philadelphia and New York are straining every nerve to obtain the trade of the south as well as of the west, Maryland should not overlook her advantage, as the frontier of the slave holding states. She has a common interest and a common sympathy, with the entire south, and all that seems wanting to place the commercial metropolis in advance of her competitors for the commerce of that region, is CAPITAL, to enable her merchants to purchase the agricultural products which will be borne to it by the ocean, or by the improvements uniting, and to unite in Baltimore as a common centre, and to furnish in return, by direct importation, the various productions of every clime.

Actuated by these and similar considerations, your committee have laid upon your table and respectfully recommend the passage of

A bill to incorporate the Western bank.
A bill to incorporate the Commercial bank.
A bill to incorporate the Eastern bank.
A bill to incorporate the Chesapeake bank.
A bill to incorporate the Farmers & Planters' bank.
A bill providing for the enlargement of the Franklin bank.
A bill to incorporate the Real Estate bank, all of Baltimore.
A bill to incorporate the Farmers & Millers' bank of Hagerstown.

And a bill providing for the incorporation of the Mineral bank of Alleghany at Cumberland.

Your committee will observe, that should all these charters be allowed, the sum of bank capital in the state, *will still be far below the scale prevalent in our sister states.* They are all of moderate capital, one as low as $300,000 and none exceeding two millions, with the exception of the Commercial bank, to which in view of the gigantic dimensions of the banks of Philadelphia and New York, it has been deemed advisable to allow the privilege of extending its capital, as occasion shall require, to six millions.

Your committee are not unmindful of the lesson of history, teaching the dangers of an unwise multiplication of banks, but in their opinion those have read that lesson amiss, who argue evil from an augmentation of *sound* capital. About the period of the last war, the general suspension of specie payments led to the establishment of numerous concerns with no basis whatever but public credulity. A legal permission to issue promises to pay; a room sixteen feet square, and a steel engraving, constituted alone, but too frequently, the pedestal of delusion. Far different is now the condition of the things and widely diverse the guards with which we have endeavored to surround the charters recommended above. In a state of profound peace, the attempt to force into circulation, paper not redeemable with gold or silver, would be not less idle, than wicked. All of these banks, should they go into operation, will be amply provided with specie and in all respects be as solid as any of those now in operation; and as they will begin well, so the restraint upon issues and the penalties attendant upon non-compliance, will keep them punctual to their engagements and protect from injury the holders of their paper.

The depression of the agricultural interests and the causes of emigration, constitute the subject on which your committee proposes next to submit a few brief reflections.

Constituted as your committee is, chiefly of farmers and planters, and representing especially the agricultural interest, they cannot be ignorant of the complaints which come up loudly for aid and relief to that important portion of society. They are well aware that in many portions of the state, and particularly on the tide waters, no exertion of individual activity or capital has proved effectual to save proprietors from a gradual, but seemingly irresistible sinking in the value or price of their property, however improved in productiveness. The cause of this can only be found in the ceaseless tide of emigration which bears away the industrious and enterprising poor, from among whom, under other circumstances, the ranks of the independent landholders should be recruited; the savings of patient industry enabling them to come forward as the purchasers of land, as fast as it would be thrown into market, by the improvidence of the owners, or the operation of our law of descents. If there be in any county, twenty tracts of land for sale, and purchasers for only nineteen can be found, the twentieth will not only remain unsold, but the price of each of the twenty be considerably reduced. What then are the causes of the evil, and what can be done to arrest it? A principal cause is probably, that throughout a great portion of the extensive districts alluded to, the pursuits of the whole people are agricultural, and there being few considerable towns, the small farmer disposes with great cost, difficulty and inconvenience of the productions of his labor and articles of marketing—small things, which in districts differently situated, afford the means of comfort and the foundation of prosperity. The lands are naturally productive, possess abundant resources for their restoration when exhausted, are easily tilled, and the waters afford many advantages peculiar to these regions. Instances not

unfrequently occur of emigrants unsatisfied who return to the advantages they once disdained; but the bulk do not return. Another great cause may be discerned in the swamps and marshes which in many parts deeply indent the country in some places on the shores of the bay, cover many thousands of acres, (which if rescued from inundation would prove of unsurpassed fertility), and very generally constituting a poisonous fringe around the inlets, bays and creeks, constituting the arms of the Chesapeake bay. It is true notwithstanding, that many situations on the eastern and lower counties of the Western Shore are blessed with health, as they are with beauty, fertility and all that can render them desirable, but it is no less true, that they constitute generally, a malarious region, in which although the diseases be not often of a high or malignant type, the poor man, who *has not time* to nurse the ague and fever is unapt to dwell. Not unfrequently the same causes produce fatal diseases, by which valuable men, the heads of families, are stricken down prematurely, or desolation spread through hearts, lamenting the young, the lovely and the lost.

If these sources of pestilence could be dried up and reclaimed, who would press me to reckon the rich coinage with which the good and liberal deed will be repaid—who estimate the benefits, financial and political, which would redound to the state from the productions of the reclaimed land, the improved salubrity of large districts, and the happy multitude who would no longer be forced to leave their homes!

Much of this can be accomplished by individual enterprise, properly encouraged; and it has been asserted by skilful observers, familiar with similar achievements in Europe, that *all* are within the reach of a liberal and paternal policy, and at no unsuitable expense on the part of the state. A government will not hesitate to expend its treasures in resisting the visible assailants of its people, and surely it is a duty no less holy, to go forth to destroy the haunts and resources of a foe no less deadly, though unseen.

Your committee also fully sympathise with the numbers of their agricultural brethren who yearly come up to their representatives, complaining that their exertions are crippled by the want of pecuniary aid; they are of opinion that these are entitled to receive aid, and that it may be adequately afforded, not only without injury, but even with the greatest certainty of much and various advantages to the state. In the mode of relief alone, and in a preference for more simple machinery, your committee, actuated by a single aim at the general good, presumes to differ from those who have urged at one time the establishment of a state bank, and more recently of a Real Estate bank, founded on the credit of the state. This report has already swollen to a length which forbids the detail of reasons by which your committee has been convinced, that the mode of relief which they are about to recommend will operate more equally, and produce more extensive benefit, without incurring many dangers, which may be feared from the grant of the state's guaranty to the stockholders in the Real Estate bank; but they indulge the hope, that a plan for lending money, in which any holder of real estate may participate on easy terms, the interest enuring to the benefit of the *whole people*, may prove acceptable, and suffice until a sufficient experiment can be made, as is proposed in part for this purpose, by means of the Real Estate bank of Baltimore, of the capacity of such an institution, without the credit of the state to operate advantageously.

Trusting that the bank charters above recommended may receive the sanction of the legislature, your committee conceive that by these adequate encouragement and relief will be afforded to the holders of real estate in the city of Baltimore, as well as to those who are engaged in commerce, manufactures and the mechanical arts; and to carry out the views above expressed, they recommend there be placed in the treasury of each shore, or elsewhere, under the direction of a board of commissioners, consisting of one member for each county, the sum of one million of dollars, further augmented as the bill reported herewith will explain, to be equitably distributed throughout (excluding from participation the city of Baltimore for the reason above given) in loans on landed security at long terms. It is further recommended that the loans shall bear interest after the rate of six per centum, payable semi-annually; but that for such sums as shall be expended in the melioration of lands by drainage, by the application of mineral manures, or in planting the mulberry and the production of silk, the annual charge for interest shall be reduced to four per cent. This reduction of interest is recommended by way of premium to agricultural industry, and cannot, in the judgment of your committee, fail greatly to redound to the advantage of the public, as well as to individual good; but especially in directing the attention of proprietors to the reclamation of drowned lands, your committee anticipate that while individuals will accomplish much, a large stock of experience will be acquired, and the way prepared for those operations of that character, which, by reason of their extent, will require the interposition of the state.

There is one work of this character to the accomplishment of which your committee would advise an immediate appropriation. It will be remembered that in the preceding description of the several works of internal improvement projected, every part of the state may directly participate, except the three southern counties of the peninsula of the Western Shore. It is an honor due to those counties, of which none can deprive them, that thus situated, from the first embarkation of the state in these great enterprizes, however those portions of the state more deeply interested have been divided by jealous contentions, they have, by their representations in general, given to every public work, a support as steady as it has been generous and disinterested. The work now indicated lies in their midst. It is a body of the richest alluvial land, containing perhaps fifteen thousand acres, called "Zachia Swamp." It is described, delineated, and the improvements declared practicable, in the late report of the state engineer.

Your committee has the honor herewith to submit a bill entitled "an act to provide ways and means to complete the works of internal improvement, and to promote the agriculture, commerce and manufactures of this state," which will be found so fully explanatory of itself, that it will perhaps be only sufficient to add, that it provides for the negotiation in Europe of a loan of ten millions of dollars, bearing an interest of six per centum and redeemable at the pleasure of the state, at any time after the expiration of fifty years. Upon such a stock, in the present easy condition of the foreign markets, your committee entertain no doubt but a premium of at least twenty-five per centum may without difficulty be obtained. Upon that hypothesis a brief calculation is subjoined, by which, assuming that these public works shall when completed be competent to pay on their stocks conjointly, not more than simple interest, we hold it demonstrated that the whole debt, principal and interest, will be paid off at maturity. In the mean while the productiveness of all the former investments of the state may be placed and maintained in full activity, her ordinary revenues increased, her population multiplied, her property and resources developed and augmented; the wilderness subdued, her people happy in the fruition of an ample provision for universal education, and every other blessing which it is the object and end of government to secure.

When the sure realization of such results shall have come, what son of our soil, wandering from his home, will not feel the burthen of each remove more and more insupportable? With what affection will he not ponder on the domestic altar, sighing to behold again the green fields, bright sunshine and laughing waters of his natal spot—and how will his soul swell, to find dwelling in the applause of nations—Maryland—heart of the union!—the enterprising—steadfast—unterrified—unseduced.

WILLIAM D. MERRICK, *chairman.*

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From the American.

MARYLAND INTERNAL IMPROVEMENTS.

The able report of the committee of ways and means of the house of delegates, which we published yesterday, has been received in this community with feelings of gratification as warm as they are universal. Few documents, indeed, have ever been presented to our citizens that have given more general and unqualified satisfaction than the one in question. The enlarged and liberal scope of its views is in excellent keeping with the circumstances of the times, and citizens of Maryland may justly dwell upon them with pride as well as pleasure in regarding them as assurances that our state is resolved to keep even pace with the wisest and most enterprising members of the union, in the onward march of the country to her high and happy destinies.

Accompanying the report was the following paper, a copy of which we could not obtain in time for publication yesterday. Its design is to illustrate the practical operations contemplated by the committee under the bill prepared in conformity with the recommendations of the report:

A calculation showing the practical operations contemplated by the committee on ways and means, under the bill which they have reported to complete the internal improvements and promote the agriculture, commerce and manufactures of the state of Maryland—

Firstly—They propose that ten millions of state six per cent. stocks or bonds be issued and disposed of, redeemable after fifty years, and believe that they will sell for an advance or bonus of twenty-five dollars on each one hundred dollars—and therefore bring into the treasury of this state the sum of		$12,500,000
Secondly—They propose that subscriptions be made to works of internal improvement, and paid out of said fund as follows:—		
1. To the Chesapeake and Ohio canal company	$3,000,000	
2. To the Baltimore and Ohio rail road company	3,000,000	
3. To the Eastern Shore rail road company	1,000,000	
4. To the Maryland canal	500,000	
5. To the Annapolis canal	500,000	
Together	$8,000,000	
6. To pay the interest on said subscriptions during the first three years thereon, say an average of *two years* on the whole, it being payable in three equal parts annually, or 12 per cent. and being	960,000	
Forming in all the sum of		$8,960,000
And leaving a balance to be employed through the loan offices to the amount of		$3,540,000

Thirdly—They propose to lend all the balance just above mentioned, through the agency of two loan offices, one on each shore—and at 6 per cent. interest, except on such portion thereof as shall be expended in the draining of lands, or applying marl or other mineral manures; in the rearing of plantations of the mulberry tree and producing silk—and they estimate such part at one million of dollars.

Fourthly—They infer from known facts in like cases and the preceding propositions.

1st. That the dividends which may be declared on the contemplated subscriptions to works of internal improvement, will meet all of the interest that can accrue on the amounts so subscribed—after the end of the first three years provided for as above noticed.

2dly. That the interest which will be realised at the loan offices, on one half of the sum of two millions proposed to be borrowed for the exclusive use of the farmers and planters of Maryland, will provide for the interest which the state would have to pay on the said half part.

3dly. They are aware that on the other half part, to wit: on the sum of one million of dollars, that would doubtless be applied to the draining of lands, &c. &c. the state would have to pay *two per cent.* per annum interest more than would be received thereon at the loan offices, and that this difference would be, in fact, as it is desired that it might be, a premium wisely and profitably given for the improvement of agriculture and promotion of manufactures.

Fifthly—Upon the foregoing data the committee arrive at the following conclusions:—

1st. The bonus or advance that would be received on the sale of ten millions of state stocks or bonds, would be, as above stated, $2,500,000—from which $960,000, or two years interest on the sum of $8,000,000 invested in works of internal improvement, being deducted, there will be left, and may be lent through the loan offices for the term of 50 years, an excess amounting to	$1,540,000
2d. At the end of *twelve years*—computed from the opening of said offices—by compounding the interest on said sum or excess, it would produce the sum of	3,580,000
3d. At the end of twenty-four years so compounding, this would become	6,160,000
4th. At the end of *thirty-six years*, the same course being continued, it would produce	12,320,000
5th. And at the end of the fourth term or expiration of the forty-eight years, it would produce	24,640,000
6th. If from this accumulated fund the whole debt incurred by the state as well as the two millions borrowed in order to lend the same to farmers and planters, the eight millions borrowed to be invested in works of internal improvement—should be paid off and be	10,000,000
7th. There would still thereafter remain in the loan offices a surplus of	14,640,000
8th. If from the aforesaid surplus there shall be deducted the sum which two per cent. per annum rebated on one million of dollars lent to those who drain their lands, &c. &c. and which for fifty years would be 100 per cent. in all, or	$1,000,000
Also, the interest on this interest for the average of the whole terms or times of payment, or 25 years at 6 per cent. per annum =150 per cent. or	1,500,000
9th. They may be regarded as a premium conferred on those who drain their lands, &c. &c. and amounting together to the sum of	$2,500,000
10th. And would leave a remainder or balance in the loan offices—subject to the expenses of their administration, &c. &c. say	$12,140,000
11th. Besides which, the state would then own, exclusive of their present investments, eight millions of capital stock in shares of the canal and rail road companies aforementioned, that would be worth far more than they cost: and also two millions of dollars of claims, being the original sum borrowed for and lent to the farmers and planters of this state.	
Finally—If the government of Maryland should then think fit to sell said shares and pay off the debt now proposed to be incurred, in order to subscribe to them—the proceeds of such sale would undoubtedly yield ten millions of dollars, that would discharge said debt, and leave in the loan offices of this state, subject only to the aggregate expenses incurred in their original management, the grand sum of	$22,140,000

CITY COUNCIL OF BALTIMORE.

Proceedings in first branch, March 14.

Mr. Seidenstricker, from the joint committee on internal improvements, submitted a report and resolution, directing the mayor to subscribe to the capital stock of the Baltimore and Ohio rail road company three millions of dollars, in the name of the mayor and city council of Baltimore; provided that the whole sum shall be exclusively applied to the prosecution of the work in an unbroken line from Harper's Ferry, or such point near that place as shall be selected, from which said extension shall be made. On motion, 500 copies were ordered to be printed. The report is as follows:

The joint committee on internal improvements, to whom was referred the memorial of the citizens of Baltimore setting forth the importance of securing an immediate connection with Wheeling and Pittsburgh, by means of a continuous rail road, and praying that the corporation of Baltimore should at once assume to raise one million of dollars and determine to supply hereafter whatever sums may be eventually necessary to accomplish the object, report, that they have given their most mature deliberation to the topics of the memorials which has been referred to them.

That a crisis has arrived in the affairs of our city, big with the most important considerations in relation to her future prospects, and which calls for the united efforts of our men of business, property holders, capitalists and the municipal authorities in the adoption of measures for a prompt, vigorous and active prosecution of the various works of internal improvements which have been commenced and the speedy entrance upon others in contemplation, is a fact obvious to all eyes, can admit of no dispute, and needs no argument to establish. It is perfectly evident to almost every mind that upon the course which is now pursued must depend the issue of the question whether the city of Baltimore, is to be reduced to a place of comparative insignificance in a commercial point of view, or to assume a position, equal at least if not superior in rank and importance to that of any other city in the union. If the opportunities which now present themselves be permitted to pass by us unimproved, we must expect to see the trade with the west, which has hitherto been enjoyed by our citizens, turned into other channels, to the advantage of other cities and our own ruin; but if such measures be now adopted and prosecuted with that vigor which the time, the circumstance and the effect which necessarily result therefrom demand, we have reason to indulge in the utmost assurance that our city will become in a great measure the centre of trade for the whole union.

It is no longer a question whether or not the trade and intercourse with the west is of sufficient importance to compensate for the expenses necessary to be incurred in the construction of great works of internal improvement, for facilitating such intercourse and transportation of produce and other commodities between the seabord and the extensive and fertile regions of the west. By a wise reference to the course pursued by the other sections of our country with regard to these important measures, we may profit by their experience, and derive ample encouragement to prosecute our own works of a similar character. The course adopted by the state of New York, a number of years since, and the consequences which have resulted therefrom, have long since dispelled all doubts upon the subject. When the construction of some of these works was conceived and recommended by the giant mind of De Witt Clinton, it was considered almost as visionary and extravagant, as was the idea of Christopher Columbus, when first suggested by him, that the mighty continent we now inhabit existed in what was then generally supposed to be one wide and unbroken expanse of ocean; that the advantages which have resulted from and are likely to result from the measures of the former, have added almost, if not quite as much to the advantages and prosperity of the state of New York as did the discovery of the latter to the old world, and without any of the evils to a large portion of the human race, the history of which cannot be read and reflected upon without exciting feelings of horror and indignation. It is now discovered, that extensive as have been the works constructed in New York, under circumstances which occasioned a much larger expenditure of money than would now be required, arising from a want of experience and various other causes which do not now exist, they have been completed and put into operation without the expenditure of a dollar by the state; a revenue is now derived from them, not only much greater than was anticipated by the most sanguine advocates of the system, and have been the means of diffusing throughout the state, wealth, prosperity, knowledge and happiness, which has placed her far in the advance of any other state in the union. So obvious to the people of New York are the advantages which have resulted from those improvements, that notwithstanding their great extent, and the immense expenditures which have been in their construction, they are now planning and carrying into effect other improvements, almost as extensive as those which have been completed and are in successful operation.

Where but a few years since there was little else to be seen than a wide extended wilderness, but seldom visited and but little known, large cities have grown up whose magnificent edifices, lofty spires, extensive warehouses and smiling and happy inhabitants furnish evidence to the eye and mind of every beholder, of the vast advantages which resulted from the public spirit and enterprise which were exercised in the construction of those works. They have been the means of adding, not only to the wealth of the state, and the prosperity, knowledge and happiness of her citizens, but to the number of her inhabitants, and thereby giving to her a degree of weight and importance in the nation, which without them she could not have acquired.

But it is not to the people of that state alone that the knowledge of these facts is confined. The people of other states have perceived the immense advantages which have resulted

from the construction of those great works, and have begun to imitate the example of New York. In Pennsylvania similar improvements of vast extent have been made, diverging and extending in almost every direction, and still new works are planned and prosecuted for the purpose of securing for Philadelphia the trade, to as great an extent as possible, not only of her own wide domain, but of the new states of the west. The young giant of the west, Ohio, has also made rapid strides in the march of improvement, the consequences of which are rapidly developing themselves in the increase of her cities, the improvement and cultivation of her territory, the increase and number of her inhabitants, and the advancement of her importance among the states of the union.

Kentucky has commenced the work of internal improvement with great earnestness and energy, and is thereby producing a great change in the appearance of things. Tennessee is following close in the train; Indiana, Illinois and other of the younger states are engaging in the work to an extent which is calculated to excite in no small degree our surprise and admiration. If we turn our eyes to the south we find the same spirit manifesting itself; in all the states, Virginia, N. Carolina, S. Carolina and Georgia have all their extensive projects of the kind which they are prosecuting with all possible rapidity; and the period cannot be far distant when the face of the whole country will be changed, and trade and communication between the various portions thereof, will be carried on with a rapidity resembling the flight of the eagle.

With these facts before us, the course which our interest and duty invite us to pursue cannot be doubtful. In point of location, and other advantages our situation is not inferior to that of any other city in the union; and in many respects it is vastly superior to any other, on, or near the Atlantic seabord. The near approximation of New York to the Atlantic, gives to her an advantage in that respect vastly greater than that of Philadelphia or our own city; but that advantage is counterbalanced in no small degree by the difference in climate between the state of New York and that of Maryland; while her great canals are fast locked up in fetters of ice, and her rail roads are covered with mountains of snow, ours can be in successful operation. It is stated that during the present season many of the western merchants, who have been in the habit of making their purchases in the city of New York, have been induced by the fact, that the facility with which merchandise can be transported from Philadelphia or this city, to the west, is vastly greater than from that city, in the early part of the year—have left them and come on further south for the purpose of procuring their supplies; and the fact is well known here that the business done in this city during the present season has greatly exceeded that of former years. These facts speak volumes in favor of our superior advantages in this respect. The distance between the capes and the city of Philadelphia is something less than that between our city and the Atlantic; but this difference is more than counterbalanced by the superior advantages which are enjoyed by our city, arising from the facts, that our bay can be navigated with much greater ease and safety than that of the Delaware, and that the ice is removed from our harbour some time earlier in the spring than it is from Philadelphia. It is indeed but seldom that our harbour is entirely closed, and when it occurs, it is generally but for a short period. In point of distance between us and the western states the advantage is decidedly in our favor; and this is a consideration of vast importance.

The nature of the ground over which it is necessary to travel from Baltimore to the west is greatly superior to that between Philadelphia and the same region of country. In Pennsylvania it has been found to be utterly impracticable to pass the mountains without the use of stationary engines, which are attended with difficulty, delay and expense, while, from the report of the engineer who has surveyed the route from this city, it is represented to be entirely unnecessary to have any such engines, and consequently none of the evils will exist which grow out of the necessity of resorting to the use of them. Our central situation, and the short distance between us and the seat of the general government is another circumstance of no small importance in our favor. Many of the merchants who depend upon the Atlantic for their supplies of merchandise, have business to transact at Washington, and many others will be induced by a desire to gratify their curiosity, or to visit friends, to go to that city, after making their purchases, and with equal advantages in other respects, these considerations will cause them to give to our city a preference over others; but when it is considered that our advantages in other respects are actually much superior to those of any other, it is but reasonable to conclude that Baltimore will have a decided preference.

From a view of all these considerations and facts, what is the necessary consequence? From this city to Wheeling the distance, by the proposed route of the rail road, is 382, and to Pittsburgh, 352 miles. Over eighty miles of this distance the Baltimore and Ohio rail road has been completed and is in successful operation. The construction of the road for that distance has been attended with great expense, and from the experience which has been acquired, the improvements which have been made in the manner of applying the means, and various other circumstances, we have the best reasons for believing that as the work progresses, the expense will be greatly reduced. But whether this be or be not the fact, the work should be prosecuted with energy, zeal and activity, and no difficulty, however great, should be regarded as insurmountable. These should be met with a boldness and determination which the occasion and the circumstances may demand. They should be seized with a resolute mind and an energetic hand. That which may to the timid and the diffident be considered as amounting to an impassable barrier, to the stout heart and strong hand will melt into nothingness like snow beneath the burning beams of the tropical sun.

If we cast our eyes on the map upon which is traced the routes of the different rail roads which are proposed to be constructed from Wheeling and Pittsburgh, through different parts of the western states, we will be convinced that we shall secure at least a very large portion of the trade of every extensive and fertile region of country, which, by means of those internal improvements, will be brought to those points, and when to this is added the trade from the banks of the Ohio and its tributary streams, which will be brought to these places, the importance of opening the proposed communication with them must appear written in legible characters too plain to be mistaken, and should not fail to enlist in its favor the feelings and energies of every mind and every heart that regards the growth and prosperity of our city. The object to be aimed at is a noble one, and should excite in the minds of every Baltimorean a spirit of emulation to be foremost in endeavoring to aid in its attainment.

The prize is one which will justify the straining of every nerve to reach. The times and circumstances are propitious and full of promise. A hesitation to act, and that with promptitude, zeal, firmness and energy, would be to neglect our own interest and our duty to the city and the state in which we live.

Under these considerations, it is apparent that to secure as large a portion as possible of the trade with the west, is of vast importance to this state and particularly to this city. To the state it is important because in proportion as the prosperity of Baltimore is promoted, will that of the state be advanced. Much, very much of the revenue which flows into the state treasury is derived from this city, and in proportion to the increase and prosperity of the city must be the increase of that revenue. Whatever, therefore, shall tend to the prosperity of the city of Baltimore, will, in a similar ratio, be productive of the best interests of the state, and if the city should by any means be injured in her character, trade, commerce or manufactures, the wound she receives must be materially felt by the state, and in that respect the state is connected with the city by bonds that, on her part, should be cherished and constantly protected.

We then must come to this conclusion, that the city of Baltimore should embark to the utmost of her means for the accomplishment of this great work. A voice from every section of the city cries aloud for her to come forth and discharge this paramount duty—a duty, which, if well performed, is fraught with all that is calculated to produce a basis of well founded prosperity. It is perhaps unnecessary to say that the securing of the western trade to the city of Baltimore is of direct and immediate importance; that it will be the means of increasing the business of the merchants, of inducing men of capital and enterprise to locate themselves among us, and of giving employment and extending prosperity to all classes of our citizens and to persons who may become such. What further inducements can be held out, even supposing it necessary to offer any, to persuade the corporation of Baltimore to embark in this work. We believe persuasion is unnecessary, but that with one voice and mind a cordial response will be given to the memorials of the citizens of Baltimore who are awake to the importance of the enterprise, and are willing to bear the burden of taxation for awhile, confident in return to reap a full and abundant harvest, not only from the amount of revenue to be derived from the use of the rail road, but from the accumulating business of all branches of industry and in the increase of the population of the city.

By a reference to the following synopsis connected in part from the ninth annual report of the Baltimore and Ohio rail road company, we believe it will be admitted that the company will be able not only to compete with other cities, as it regards the western trade, but to transport produce, if necessary, at a less rate per mile than other similar works of internal improvement, and that the travel alone on this road will amount to the large sum of two millions of dollars per annum.

1st. Length of the Baltimore and Ohio rail road, including the branch road to Frederick, 85 miles.

2d. The total expenses of working that road for the year ending the 30th September, 1835, including repairs salaries, wear and tear of the horses and every other disbursement, was, as appears by the ninth annual report, document C, No. 4, page 165, $156.204 39.

N.B. This expenditure is the result of the mixed horse and steam power heretofore used and will be much reduced, *pro rata*, when an efficient steam power will have been provided, and a perfect system of organization shall have been effected.

3d. The number of passengers that travelled on the road during the past year appears by the last annual report, Doc. C. No. 3, page 164, to have been 97,758.

4th. The distance from Baltimore to Pittsburgh will not exceed 360 miles; to Wheeling 380 miles.

5th. The road to both Wheeling and Pittsburgh may cost twelve millions of dollars; say $12,000,000.

Assuming the foregoing data and the following results may be expected:

1st. If a road 85 miles long cost, for all expenditures, annually, $156,000, a road 360 miles would cost	576,000	
Add for branch to Wheeling,	124,000	
		700,000
Add 50 per cent. for additional travel,	350,000	
		1,050,000
2d. Interest, 5 per cent. on capital, say 12,000,000, invested		600,000
Total cost for interest and working the road per year,		1,650,000

3d. It is seen as above that 97,000 passengers now travel the road, no one can estimate the number that would daily pass between the city of Baltimore and the western states at less than equivalent to 100,000 in each direction, say in both directions, 200,000.

4th. 200,000 passengers at $10, the price charged by the charter, would be		2,000,000
5th. From which deduct, as above, viz:		
For all expenditures,	1,050,000	
Interest on capital,	600,000	
		1,650,000
Leaving a surplus revenue of		350,000

Exclusive of freight and tonnage by which it is plain that the rates of transportation might be reduced to a charge that would put all competition out of the question, if the road were made and in full operation, and in the above estimate it is also observed that there is no allowance for carrying the mails, which would not be less than $300,000 annually.

By a recent act of the legislature we have been authorised to borrow the sum of three million of dollars to be applied to the construction of the Baltimore and Ohio rail road; and by the same act it is provided that for every $500,000 appropriated to that object, the city is authorised to appoint an additional director to manage the business in connection with the directors of the company. The amount of stock now held by the city in the company is $500,000, on which she has been and is to be entitled to the privilege of two directors. By the late act, the ratio of representation has been changed from a quarter to a half a million of dollars of the appropriation made and to be made by the city. The reasons which induced the legislature to make this change in the ratio of representation, we are unable to perceive or conjecture, and we cannot but regard it as a very objectionable feature in the late law.

It appears to us that when the city is expected to take such a large interest in the work, it would have been but right to have entitled her at least to an equal representation in the board of directors with the private stockholders. We believe it to have been expected by those who signed the memorials which have been laid before the council praying for a proposed appropriation to the work that the ratio of representation upon the stock proposed to be subscribed should be the same upon that now held, and it may, to some, be a matter of doubt whether, under the present circumstances of the case, they will expect or desire that the appropriation shall be made by the council; but we regard the work as so essentially important to the interests of the city, and that it be carried on as speedily and rapidly as possible, so loudly called for, in consequence of surrounding circumstances, that all objections of minor importance should be waived in considering and deciding upon the course which it is proper to pursue. Notwithstanding, therefore, the strong objections which are felt to the change made by the late law, in the ratio of representation, we conceive that it would be proper, and called for by a regard for the prosperity of the city, that measure should be taken as soon as practicable to carry into effect the object of the law.

Another important work upon the success of which must depend in a great measure the prosperity of Baltimore, is the Baltimore and Susquehannah rail road. For many years an extensive and valuable trade has been carried on by our citizens with large portions of the state of Pennsylvania, which has tended greatly to the promotion of the prosperity of our city. Our geographical position is such that to the people of those sections of that state it is much more convenient to send their produce to, and derive their supplies of foreign products from our merchants than from those of Philadelphia; and while the facilities for travelling and transportation between them and the two cities are in any measure equal in point of rapidity and ease, it is but natural and reasonable to expect that they will give to Baltimore a decided preference over the commercial emporium of their own state. This fact has been so perfectly obvious to the people of Philadelphia, that it has long been a primary object with them, that while they were giving every possible encouragement, and all practicable aid to the construction and support to works of internal improvement, having a tendency to open a more speedy and convenient access to their own city from the interior of the state, they have constantly and perseveringly exerted all their influence and persuasion with their legislature in opposition to the construction of any works calculated to facilitate intercourse and communication between our city and any portion of that state.

For many years they were successful in their efforts to defeat all applications which were made to the legislature of Pennsylvania for grants either to aid in the construction of works of improvement to open a more easy access to our city, or to authorise their being constructed by others. When the charter of the Baltimore and Susquehannah rail road company was obtained from the legislature of Maryland, application was made to that of Pennsylvania for authority to extend the road to the borough of York, and was subsequently several times repeated, but without success, in consequence of the influence which was exercised by the citizens of Philadelphia against the grant of the authority for which application was made. But the legislature has since become aware of the important fact that the people of every portion of the state have an equal right to participate in the advantages to be derived from legislative action, and the application of the state funds; that they have all an equal right to be heard and gratified in their desires; that all are alike interested, that the interest of all parties demand equal participation, and that to those to whom it is more convenient to carry on trade with our city, were as to the people of the interior of the state generally it is much entitled to their regard as any other; and that of great importance to have a choice of markets for the disposal of the fruits of their labor and the products of their soil. They have accordingly passed a law by which authority has been given to the Baltimore and Susquehannah rail road company to extend the work to the town of York, agreeably to the original design. When that point shall have been attained a safe and convenient intercourse and communication will be opened, by means of the Codorus canal not only with the Susquehannah river, its numerous tributary streams meandering in every direction through extensive and fertile valleys covered with abundant harvest and abounding with products of great value and importance, but through the medium of the different works of internal improvement, which have been, and are about to be constructed in that state with a most extensive and fruitful region of country.

For a considerable period the operations of the Baltimore and Susquehannah rail road were suspended in consequence of the want of funds necessary to enable the company to prosecute their labors; but the act passed at the last session of our legislature, by which provision was made for the loaning to the company the sum of a million of dollars has effectually removed the difficulty under which they labored, and has enabled them to renew their labors with increased industry and zeal. They are therefore now prosecuting their labors with all possible diligence, and there is every reason to believe that the period is not far distant when it will be completed, and all the benefits to our city which were contemplated at the time of its commencement will be enjoyed in complete and full friction. A considerable portion of the time which has elapsed since the passage of the law for granting from the state to the company a loan to enable them to complete the work has been occupied in making surveys for a selection for the route for the work, which have been much more extensive than were at first deemed requisite, but have since been considered expedient and proper, with reference to both economy and convenience for the purpose of securing the best selection. These surveys have now been completed, and the route has been decided upon which in the judgment of the engineer is the best adapted to the work. Consequently the company is now prepared as soon as the season and the state of the weather will render it practicable, to recommence active operations under the most favorable circumstances and with the most flattering prospects.

It is proposed in Pennsylvania to form a connection between the Pennsylvania canal and the great Erie canal of New York, and a rail road is about to be constructed from Williamsport lying upon the western branch of the Susquehannah river, and on the line of the Pennsylvania improvements to Elmira, which is at the head of the Chemung canal in the state of New York, and connects through the Seneca lake and canal, with the Erie canal at Montezuma. The route has been surveyed and is reported to be peculiarly favorable for the construction of such a work. The books have been opened for subscriptions, the stock taken, the company organized, and from the importance of the connexion to be formed, and the vast advantages it offers to the people of both those powerful and enterprising states, there is every reason to believe that it will be speedily completed. It is proposed in New York to construct a rail road from that city to Lake Erie, and in Philadelphia it is proposed to construct another from that city to connect with that of New York. Should both those works be carried into effect, which is highly probable, the distance from the point where the Philadelphia road will leave the Susquehannah to the borough of York, will be comparatively trifling, and the communication between those two points so as to connect with the Baltimore and Susquehannah rail road, by means of different improvements, will be so easy and expeditious that it cannot fail to attract much trade and intercourse to our city. To show that this will, in all probability, be the case, it is only necessary to cast our eyes upon the map of the country, from which it will be at once perceived that when the different roads are completed, the distance between Baltimore and Lake Erie, by means of canal and rail road communication, will be much shorter than that to any other Atlantic city. When the works now in progress shall have been completed in Pennsylvania, which may be expected to be the case in a very short time, Baltimore will be placed in a situation to compete, under very advantageous circumstances, with her powerful neighbors, New York and Philadelphia, for the immense trade which must necessarily flow through the various channels of communication which will be

thrown open. The near approximation of New York to the ocean will be more than counterbalanced by her distance from the far west, and the fetters of ice and snow which for a considerable portion of the year will obstruct all intercourse, while our great works will be in successful operation.

Philadelphia has no advantage over us with regard to an intercourse with the ocean, but labors in this respect under difficulties greater than our own; while on the other hand in point of distance to the points in the west which it is the object of all to reach, the difference in our favor over New York is one hundred and ten miles, and over Philadelphia about thirty. Under these circumstances who can doubt that the prospect of advantage to result from the various works of improvement now prosecuting or is in contemplation are greatly in favor of Baltimore, and that our monumental city is destined at no very distant day to present a scene of activity which will be the means of drawing capital and an increase of population which will elevate her to a rank and importance among the states in the union equal to those which stand the highest. Here is a field presented to the view and open for the active operations of men of wealth and enterprise inferior to none to be found. Such is our geographical position, that the wealth arising from a trade with the extensive and fertile states of the west and the south west, the interior counties of Pennsylvania and the western counties of New York is ready to be poured in our lap. Nothing more is necessary to secure it than the completion of the works of internal improvements now in progress and in contemplation and for the completion of which the most ample means are now ready to be applied.

With regard to the Baltimore and Susquehannah rail road it is believed that the means afforded by the loan from the state of a million of dollars already provided for, will be sufficient to complete the work, and we may feel perfectly assured that all the benefits anticipated from its completion will be speedily enjoyed, without any further expense and without the extension of any further aid on the part of the city or the state; and the only barrier which now stands in the way of our enjoying the benefits expected to result from it when the work was commenced, is the time which will be necessary to enable the company to apply the means they have now at their command.

Another work connected with the trade between our city and the interior counties of Pennsylvania and New York, of great importance, is that of the Susquehannah canal from Columbia to tide. This is of great importance to us, for the reason that it will afford a better means for the conveyance of coal, iron, lumber and other heavy and cumbrous commodities, which cannot be conveyed upon a rail road with the same convenience, and to an amount as extensive as they can be upon a canal. Strenuous efforts are now making to place the business connected with this work in such a situation as to enable the company to commence operations upon it to the best advantage, and sanguine hopes are entertained that they will soon be enabled to commence the work with a zeal, energy and perseverance which will insure its early completion. At present, however, the plans of the company are not sufficiently arranged and digested to enable us to speak of them with any satisfaction to ourselves, or in such a manner as to afford any information to the public. But of this we feel assured that those who have the matter in hand, will employ all possible diligence and perseverance to put the business in a train which will enable them, very speedily, to commence active operations upon the work, and carry it on to a speedy completion.

If we cast our eyes upon the map on which is traced the outlines of the different extensive improvements which are now either in progress or contemplation, we shall perceive that Baltimore forms a central point to which they all tend. Those from the south and south west all point to our city. With regard to those from the west, the north or the east, the same is the case. The travelling between the north and the south, the east and the west, by means of those improvements, must nearly all of it, pass through Baltimore, and it is almost impossible by any means to avoid it. These facts are calculated to afford the utmost assurance that our city must necessarily form the centre trade for the whole union, if we are but true to ourselves, and employ for our own advantage the means within our reach. Under these circumstances, who can avoid feeling a desire to exert his utmost efforts to aid in furnishing the means necessary to secure the accomplishment of such important ends? Who is there that does not feel disposed to engage in a spirit of emulation with his fellow citizens in forwarding the great works which are evidently fraught with such beneficial consequences? It is needless to ask. All are alive to the subject—all are willing and anxious that the works of internal improvement shall progress with all possible rapidity, under the full assurance that the application of the means necessary to their completion will be but a loan to be repaid with ample and overflowing interest.

We cannot permit ourselves to close our remarks upon this highly interesting and important subject without calling the attention of our fellow citizens to the proposed lateral canal between Baltimore and the Chesapeake and Ohio canal. The great importance of this work is becoming every day more and more obvious to every one who has watched the course of travel upon the main canal. Much of the produce which was formerly brought to our city from the western counties of our state and Virginia, has by the opening of that canal been diverted to other cities, and as that work progresses to the west, that diversion must necessarily increase, unless means are adopted to counteract its operation. All heavy and cumbrous commodities which may be brought into contact with the canal will naturally be carried upon it to market, and when once placed upon it, will never be removed therefrom until they reach a point at which they can change hands. On the extensive line of that work there must be a great abundance of such articles, and they will as naturally be carried to Georgetown and Alexandria and be forever lost to Baltimore, as that water will flow downwards, or when confined will seek its own level.

And how is this operation to be counteracted? The answer is a plain one, and may be readily given. It is that it should be done by means of the proposed lateral canal. Nothing else can secure the accomplishment of the object, and by that means it can be effectually secured, if the proper means be employed for the purpose. But will it be secured by a connection with the Chesapeake and Ohio canal within the District of Columbia? We think not. In that case all articles brought to the District must command in our market a price so much higher than that at which they can be disposed of in Georgetown, as to be sufficient to pay for its transportation an additional distance of 40 miles; and that difference, we apprehend, would be too extensive to enable us to indulge any hope of being able to compete with the dealers in such articles with any hope of success. It is true that it is much less difficult to navigate the Chesapeake bay and the river Patapsco than the Potomac from its mouth to Alexandria and Georgetown, but we do not conceive that this difference would be sufficient to counterbalance the disadvantage resulting from the cost and time which would be occasioned by the transportation of the articles an additional distance of forty miles. We are willing to view the matter in an aspect as favorable for ourselves as possible, but we consider the subject of too much importance to be willing to deceive ourselves and the public by the indulgence of a hope which we think can never be realized, and which it would be unreasonable to expect ever to see realized. It must be recollected that between our city and Washington there are no fertile valleys from which we might hope to draw abundant supplies of rich and valuable products to afford a compensation for the construction of such a work, with the view of obtaining a portion of the trade which will flow down the Chesapeake and Ohio canal. There is comparatively nothing to be derived from that quarter, and all that can be expected to be received through such a channel must come from beyond Georgetown and be disposed of in our market at a price above that which it will command in that place equal to the cost of transportation.

What then is to be done and how are these difficulties to be avoided? Our answer is that it is by constructing the lateral canal over a route by which it will be connected with the main canal at the highest practical point; and that point is perhaps the mouth of the Monococy. That it will be attended with an additional cost of considerable amount is very certain, but of what consequence is that consideration in a case of so much importance? It is a matter that should not and we trust will not be considered worthy of a moments attention. The object to be obtained by it is one that will more than compensate for the difference of expenditure ten times told. That there will still be a difference in point of distance from that point between Georgetown and Baltimore in favor of the former we will readily admit, but the amount of the distance will be reduced and the reduction of that difference will be an important point gained. And then the canal will run through a highly cultivated district of country, from which extensive and valuable supplies of produce and other commodities will all be conveyed upon it to our market. From these considerations we consider it perfectly clear, that the course we propose, of carrying the canal to the highest practicable point on the Potomac should by all means be adopted.

That the completion of this work at as early a period as possible is of vital importance to the trade of our city is too obvious to every observer to require any argument is, we conceive, perfectly certain; and it is to be hoped and presumed that efforts will speedily be made to commence the work with an energy and zeal which will insure its early completion. It is gratifying to perceive that the attention of the legislature has been directed to the subject, and that a proposition is now before that body to appropriate towards it five hundred thousand dollars. Should the proposition be adopted as we sincerely hope it may be, it will furnish the means for a commencement, in which case it will no doubt soon receive from other sources such aid as will be amply sufficient, under wise and prudent management to secure an early accomplishment of the important work. All which is respectfully submitted, and your committee beg leave to offer the following resolution—

JNO. B. SEIDENSTRICKER,
SAMUEL HARKER,
BERNARD COSKERY, } *committee of first branch.*
WILLIAM REANY, *committee of second branch.*

Resolved by the mayor and city council of Baltimore, That the mayor be and he is hereby authorised and directed to subscribe to the capital stock of the Baltimore and Ohio rail road company, the sum of three millions of dollars, in the name of the mayor and city council of Baltimore—provided that the whole sum shall be exclusively applied to the prosecution of the work in an unbroken line from Harper's Ferry, or at such a point near that place as shall be selected from which the extension shall be made.

A TABLE SHOWING THE CODITION OF THE DEPOSITE BANKS, ACCORDING TO THE RETURNS RECEIVED AT THE TREASURY DEPARTMENT, DATED NEAREST TO THE FIRST OF FEBRUARY, 1836.

BANKS.	Date.	Loans and discounts.	Domestic exchange.	Real estate.	Due from banks.	Notes of other banks.	Specie.	Other investments.	Capital.	Deposites. Treasurer U. States.	Deposites. Public officers.	Due to banks.	Profit and loss, discount and interest.	Circulation.	Private deposites.	Other liabilities.
Maine bank, Portland...	Jan. 30	$284,388 59	$30,746 00	....	$120,933 03	$17,094 00	$24,514 59	$37,559 02	$155,000 00	$180,870 28	$49,545 23	$15,530 05	$8,058 55	$69,025 00	$37,752 27	
Commercial bank, Portsmouth.....	Feb. 1	239,540 73	70,637 93	$127 39	122,764 19	7,813 37	12,348 93	.....	102,000 00	149,615 15	55,452 46	2,146 84	2,448 80	93,815 00	31,756 29	$998 00
Commonwealth bank, Boston.....	Feb. 1	925,734 83	56,642 54	.....	361,667 65	503,453 00	176,852 92	15,000 00	500,000 00	957,010 73	116,833 21	225,756 94	19,932 32	121,470 00	100,518 59	77 50
Merchants' bank, Boston	Jan. 30	539,804 19	958,173 56	.....	385,806 25	127,494 00	225,561 56	45,163 26	750,000 00	900,281 92	26,884 61	190,925 81	33,512 03	173,551 00	135,354 46	6,948 18
Bank of Burlington.....	Feb. 4	119,494 98	182,226 19	500 00	130,035 64	17,435 00	9,323 53	4,596 56	125,632 00	95,338 86	.....	.....	14,239 38	139,395 00	89,210 99	247 72
Farmers and Mechanics' bank, Hartford.....	Feb. 1	351,748 90	313.361 95	15,560 00	48,131 28	14,283 04	14,190 22	.....	407,286 00	166,388 94	29,769 24	5,071 86	11,348 72	100,558 00	33,852 63	1,800 00
Arcade bank, Providence	Jan. 30	218,483 35	150,842 86	.....	4,931 18	4,914 00	48,326 57	100 00	200,000 00	131,402 05	12,147 29	17,582 42	3,793 38	32,912 00	31,192 28	
Mechanics and Farmers' bank, Albany.....	Jan. 31	960,731 64	89,059 71	30,000 00	606,107 27	397,976 34	90,504 20	16,016 03	442,000 00	331,287 45	63,162 53	694,699 44	190,924 04	257,434 00	164,315 11	46,572 62
Bank of America.....	Feb. 1	4,419,229 65	534,014 69	79,748 62	995,955 97	650,547 50	1,315,479 36	741,652 04	2,001,200 00	3,250,861 23	151,000 01	1,546,450 17	322,674 79	488,820 00	830,231 96	149,819 14
Manhattan company....	Feb. 1	5,285,520 93	.....	331,727 87	1,182,504 65	878,897 01	787.937 82	291,445 96	2,050,000 00	2,927,135 50	140,363 38	1,618,055 72	34,282 41	360,605 65	1,406,738 43	226,853 15
Mechanics' bank, N. Y.	Feb. 1	4,817,361 00	.....	70,569 90	2,049,303 26	1,190,106 20	888,018 00	200,300 79	2,000,000 00	3,111,538 59	.....	1,649,217 51	575,388 47	572,902 98	1,274,041 41	32,570 19
Girard bank.....	Jan. 30	3,812,503 11	572,034 10	.....	493,320 82	1,064,139 34	370,760 75	65,003 58	1,500,000 00	2,151,924 68	114,416 70	1,236,750 14	74,863 45	541,580 00	666,789 27	5,985 50
Moyamensing.....	Jan. 26	621,368 01	.....	16,184 80	143,162 28	118,587 32	103,169 57	2,139 30	174,270 00	356,858 00	76,870 22	59,348 24	6,722 61	151,970 00	183,775 17	179 11
Union bank, Maryland..	Jan. 5	3,340,224 37	317,143 02	158,049 00	169,740 37	193,248 10	218,463 24	163,474 27	1,845,187 50	1,013,684 82	98,275 89	345,787 61	127,580 86	311,265 00	712,633 61	13,465 59
Franklin bank, Baltimore	Jan. 30	958,567 55	138,434 60	42,874 93	146,928 14	109,029 26	109,624 82	26,942 65	508,915 00	78,042 92	.....	251,177 67	16,770 44	241,202 50	400,160 17	21,541 34
Metropolis.....	Feb. 1	898,998 23	213,454 59	26,380 82	478,401 33	129,089 26	270.089 29	390,953 49	500,000 00	245,479 84	475,341 06	262,710 95	60,624 58	340,962 55	525,418 89	327 69
Bank of Vir. & branches	Feb. 15	5,332,710 82	2,499,874 09	314,574 30	1,038,817 83	293,453 00	633,700 07	141,277 49	3,240,000 00	358,230 56	79,617 66	602,327 29	78,643 94	4,059,815 00	1,456,300 61	
Bank of the state of North Carolina.....	Jan. 23	1,897,026 88	458,306 82	24,368 45	336,396 13	115,303 00	274,825 14	84,860 75	1,110,000 00	83,545 86	36,205 00	151,126 28	33,482 83	1,383,020 00	383,599 99	13,387 27
Planters and Mechanics' bank of South Carolina	Feb. 5	1,071,731 34	448,571 59	25,250 00	945,924 13	320,909 00	347,891 56	343,579 60	1,000,000 00	194,020 31	103,471 74	522,442 72	32,718 71	1,183,195 00	292,051 14	175,957 60
Planters' bank of the state of Georgia.....	Jan. 26	543,339 09	778,634 41	24,285 20	19,873 79	26,970 00	265,743 72	255,854 86	535,400 00	80,313 94	18,176 79	535,598 59	101,329 94	394,989 00	302,763 60	10,435 21
Bank of Augusta.....	Jan. 26	643,489 83	665,054 00	33,900 00	256,231 38	353,210 50	327,400 10	121,135 73	749,300 00	65,639 95	.....	81,880 63	34,622 95	1,002,844 88	385,993 56	80,194 31
Branch bank of the state of Alabama, Mobile...	Jan. 18	3,720,248 00	1,804,111 08	73,533 04	496,583 28	265,930 19	409,942 35	27,948 95	2,000,000 00	1,257,801 83	65,176 39	680,633 99	.....	1,962,140 00	521,332 45	318,546 16
Commercial bank of New Orleans	Jan. 30	2,359,904 39	1,463,572 96	102,594 56	579,781 73	115,565 00	327,027 72	507,160 96	2,622,800 00	1,247,425 25	46,550 80	530,324 15	51,012 47	503,436 69	373,146 74	124,645 76
Union bank of Louisiana	Jan. 30	7,808,734 42	2,127,310 03	138,123 31	190,057 89	288,645 00	333,704 20	2,109,894 34	7,051,000 00	648,064 65	132,214 76	1,620,008 81	573,555 24	1,583,270 00	1,237,808 41	399,722 33
Merchants and Manufacturers' bank, Pittsburgh	Feb. 3	1,342,867 90	669,916 51	13,794 50	214,698 19	205,321 66	85,717 68	70,755 72	600,000 00	112,497 72	127,441 68	260,049 10	56,231 24	574,300 00	209,527 83	666,114 50
Franklin b'k, Cincinnati	Jan. 3	1,460,574 30	497,559 69	34,758 33	103,012 75	246,692 00	193,666 95	19,235 50	1,000,000 00	150,677 61	19,947 88	241,955 51	6,618 36	712,176 00	332,023 47	62,368 96
Commercial bank, do...	Jan. 30	1,397,516 45	868,663 71	32,590 00	79,916 74	68,267 00	319,899 17	826,926 72	1,000,000 00	663,639 23	49,489 96	421,940 91	51,288 69	784,968 00	202,642 89	409,209 94
Clinton b'k of Columbus	Jan. 16	560,985 87	124,597 37	7,651 87	202,501 14	258,535 70	125,753 16	18,178 58	289,150 00	408,790 83	.....	21,905 36	4,027 64	418,769 00	140,925 99	
Savings institution Louisville.....	Feb. 3	204,551 08	83,495 67	10,000 00	118,438 47	90,820 00	55,879 51	113,218 75	96,460 00	337,377 43	38,638 33	41,127 22	3,590 93	.....	80,500 98	75,278 07
Union bank of Tennessee	Feb. 1	1,280,441 22	3,791,571 48	31,530 98	155,671 33	173,998 94	78,803 76	573,171 27	1,811,690 00	72,259 98	148,707 38	56,175 68	44,987 31	2,360,700 00	295,178 68	1,257,659 50
State bank of Indiana...	Jan. 22	1,853,169 43	531,361 86	17,329 96	1,588,043 56	542,565 39	874,340 25	.....	1,279,857 78	1,319,496 79	12,913 63	290,463 84	44,086 83	2,054,050 00	342,903 97	68,482 43
Ageney of Commercial bank of Cincinnati at St. Louis.....	Jan. 30	625,098 02	351,087 57	.....	109,049 82	233,671 00	371,598 48	2,044 49	.....	952,048 23	85,474 23	297,928 87	13,044 38	.....	344,739 60	
Planters' bank of Miss.	Jan. 21	4,238,578 61	6,064,898 59	137 572 17	277,217 17	460,239 44	409,697 72	1,459,978 12	4,139,140 00	2,626,730 13	4,237 63	377,220 01	537,969 41	2,477,376 18	1,186,916 78	1,722,944 04
Bank of Michigan.....	Jan. 1	872,416 26	215,431 13	8,508 07	882,302 34	29,498 00	46,890 38	91,841 03	419,779 99	828,698 60	44,092 26	11,856 16	3,134 97	564,133 26	239,005 03	25,000 00
Farmers and Mechanics' bank of Michigan.....	Feb. 1	432,833 60	79,145 09	13,239 97	678,766 37	59,291 97	51,011 95	9,818 98	150,000 00	784,764 75	16,717 35	12,984,96	16,422 16	227,036 67	97,860 39	19,714 01
		65,439,908 64	27,149,935 39	1,815,238 04	15,712,977 35	9 573,089 53	10,198,659 24	8,777,228 79	42,356,088 27	28,239,744 61	2,439,135 30	14,879,161 45	3,189,932 83	26,243,688 36	15,043,033 64	5,937,045 82

With all our *crowding*, we were compelled to omit three columns of the preceding table, on account of the length of the page. They do not affect the general results, but we shall mention them: 1st, the column of "foreign exchange," amounts only to $406,542 98—of which the U. bank of Louisiana had $248,934 21. 2d. of expenses, only $96,591 49, ranging from 15,000 dollars to 268—an unimportant affair. 3d. the "contingent fund," being $840,270 97, n all—of which $435,732 were in the bank of Virginia and its branches—and the remainder in 12 or 13 other establishments, in the rest of them, nothing.

THE EDITOR OF THE REGISTER.

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 5—VOL. XIV.] BALTIMORE, APRIL 2, 1836. [VOL. L. WHOLE No.1,280

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

A large body of articles, prepared or in type, for the present publication, remains "over." We shall publish a supplement next week, to dispose of some of them.

—

We give an account of the *riot* that took place in the house of representatives on *Sunday* morning last, derived from various sources. They all partake more, much more, of a *party* character than we are accustomed to publish, *and of one side, only*, but generally agree in the main facts; and we have not seen any statement, drawn up by a friend of the other party. We *regret this, and the whole occurrence*. But the house *relieved* itself of a vast amount of censure on Tuesday—by referring the contested election back to the people.

—

☞POSTSCRIPT. The great improvement bill, before the legislature of *Maryland*, was defeated on Thursday last, by a solitary vote! It is hoped that this is not final—and that it may be reconsidered *this* day, probably the last of the session.

We have news from Europe 12 days later than our last accounts. The most important matter related is the execution of Fieschi and some of his associates—which was peaceably effected in five minutes.

—

On Monday last, at 11 o'clock, Elias Glenn, United States district judge for the state of Maryland, Nathaniel Williams, esq. United States district attorney, the marshal for the district, and the clerk of the court, waited upon Mr. *Roger B. Taney*, at his dwelling, and accompanied him thence to the circuit court room. The court was then opened, when judge Glenn proceeded, in presence of many members of the bar, and a number of citizens whom the occasion had called together, to administer to Mr. Taney his oath of office as chief justice of the United States court and presiding judge of this circuit.

—

Elias Glenn, esq. has resigned his office of judge of the district of Maryland, and it is supposed that his successor will be *Upton S. Heath*, esq.

—

At a meeting of the whig members of the legislature of Maryland, held on the 23d ult. the nomination of gen. *Harrison*, as president, and of Mr. *Tyler*, as vice president, was concurred in, and col. *Pratt* and *Thomas Burchenal* were nominated electors on the part of the state at large.

—

The Globe noticing and denying the correctness of a report published in the New York Star, "that Mr. Kendall, the post master general, advocated a proposition to lend the states, pro rata, the whole of the surplus revenue without interest," adds the following very gratifying information:

"We know that Mr. Kendall fully approves of the plan in Mr. Grundy's bill, of employing a portion of the revenue in purchasing from rail road companies, the right for the government to use them for the transportation of the mail, and for all other purposes of a public character.

"Such a disposition of a part of the public money on hand, we are satisfied, would prove more serviceable to the country than any other application which can be made of it."

—

Hallahan, who was convicted of being engaged in the late riots of the stevedores and ship laborers in New York, and also of an assault upon Mr Brink, the police officer, was on Saturday sentenced to seven years imprisonment in the state prison. The other individuals concerned in the riots were remanded to the next term.

—

The bill to indemnify the heirs of Mrs. Jane White for losses sustained during the war-mob of eighteen hundred and twelve, has been passed, by the legislature of Maryland.

Among other "accidents," we see that the steamboat *Benjamin Franklin* exploded, on leaving the wharf, on the 13th ult. at Mobile, with the following horrible results—

5 men killed,
7 men missing,
21 men wounded.

—

33 total.

—

The locomotive, with a train of cars, on the Lexington and Ohio rail road, when within two miles of Frankfort, from some unknown cause, was thrown off the track, and the passenger cars hurled down a high embankment, whereby two persons were instantly killed, another died shortly after, and ten or twelve were wounded—the car being dashed to pieces.

—

A great steamboat, the *Randolph*, was burnt to the water's edge, (with a valuable cargo), near Nashville. She had 350 tons of goods on board, among them 23 packages for the Hermitage, the property of the president of the United States, and large supplies from the eastern cities, for the merchants of Nashville. The total loss is supposed to have exceeded 200,000 dollars. Two or three lives were lost, in *consequence* of the accident.

—

Two persons, named Crockett and Russell, were recently executed within the prison yard, at Boston, for the crime of arson—which offence has assumed a fearful aspect in that city.

—

The legislature of *Virginia* adjourned on Thursday last week. It will be marked by the "expunging resolutions," which were passed by it.

—

The legislature of *Mississippi* adjourned on Saturday, the 27th of February, to the first Monday in January next.

The incorporation of many banks and rail roads were made during the session—in all to the amount of *seventeen millions of dollars*. One of the most important bills passed is that establishing a penitentiary.

—

The legislature of Virginia has voted, unanimously, swords to the son of the late lieutenant colonel *George Armstead* of the U. S. A.—the gallant defender of Fort McHenry—and to captain *A. F. Valette*, of the U. S. navy, for his good conduct in the battle of Lake Champlain.

—

From *Louisiana* we have, in answer to inquiries made, received information of the true amount of the existing bank capital of that state, as lately increased. It is not so much as seventy millions, heretofore reported. The nominal bank capital of this state is, however, fifty-six millions, of which thirty-two millions have been paid in. The whole *circulation* upon this great capital is but *six* millions of dollars—less probably than the amount of specie in the vaults of the same banks. [*Nat. Int.*

—

A storm is apparently brewing in Upper Canada—the people of the lower province have long been in a very "seditious" mood. The executive council have all resigned—because the "Algerine government," as it is called, that is the governor, "did not consult them in carrying on the government.

—

Died, at Washington, on the 22d ult. gen. Mountjoy Baily, in his 82d year—an officer in the revolution.

—

It is said that Mr. *Wilkins*, our minister at St. Petersburg, is about to return home, his fortune and salary

being too small to allow him to support the style and state of his brother ambassadors.

—

The brig Ark has arrived at the port of New York from London, has on board 1,788 bags wheat, 600 bags oats and 2,750 barrels flour!!!

—

The burning of the treasury office. The Baltimore Patriot of Saturday last, said—

For several months past, the treasury department has been in possession of information calculated to lead to the detection of the persons engaged in causing the destruction by fire, of the treasury office at Washington, about three years past. On Wednesday last a person was arrested in the city of New York, charged with firing the building with his own hands, hired to commit the act, as we have heard, by some of those who had committed frauds upon the pension office, which they wished to have destroyed, to screen their guilt. Other persons, we hear, before this, will have been arrested in the western part of New York, one in Vermont and another in Ohio. The person that was taken in New York was brought on yesterday in the steamboat line in charge of Mr. Blaney, the high constable of Philadelphia, Mr. Kelley, deputy marshal of Ohio, and Mr. Merritt, of the New York police. These officers left Baltimore this morning with their prisoner for Washington, where the trial is soon to take place.

And the National Intelligencer of Monday said—

It is now about three years since the destruction by fire of the treasury building, with the greater part of its contents. Never, perhaps, did so serious a public calamity, in any country, produce so little excitement, raise so little curiosity, or provoke so little censure of the government. The opposition press, slow to censure except where there is just ground for it, forbore accusation, because they saw nothing in the circumstances of the case to inculpate the administration, Of neglect of due care and precaution, there was sufficient evidence in the fact of the conflagration; but censure for that would have fallen upon subordinates, such as watchmen, &c. already sufficiently afflicted by the loss of their employments, and the censure was either withheld or sparingly bestowed.

Upon a vague suspicion of design being at the bottom of this fire, examination into the matter was made, by the proper authorities, at the instance of the executive; and, after full investigation, nothing appeared to justify the belief that the fire was not the result of accident.

Time, however, which is often the only test of truth to the senses of mortals, has disclosed circumstances which leave little doubt of this fire having been the work of a conspiracy of individuals, of whom some were directly, and others indirectly, instrumental in producing the conflagration. The matter has, we believe, been some time in the course of investigation: but, as secrecy was important to success in the pursuit of evidence and the criminals, we should have refrained from noticing it even now, were it not that the bringing to this city one of the persons implicated has been noticed in the Baltimore papers. Such an individual, arrested in the city of New York, arrived here on Saturday, in custody of several peace officers, and is now in confinement. Another, we have heard, is in confinement in Canada, and one or more others elsewhere. The evidence must be in some degree circumstantial. We have reason to think, however, that the whole iniquity will be brought to light and judicially established. The desire to destroy evidence in the public records will probably appear to have been the motive of this desperate action.

The N. Y. Courier and Enquirer, in speaking of the individual arrested on suspicion of having set fire to the treasury office at Washington, about three years ago, adds the following particulars:—

Since his apprehension, we understand, his wife has also been arrested in Sussex county, (N. J.) and a warrant granted by Judge Baldwin, at Philadelphia, to which city she has been conveyed for examination touching her knowledge of the affair. Three months since we were informed of all the circumstances connected with this business, but under an injunction of secrecy which prevented our giving them to the public as the injunction has not yet been entirely removed, we are only now at liberty to state, that three persons were concerned in the crime, to which they were instigated by an individual filling a high station in society, Judge Temple, whom our readers may recollect, committed suicide by shooting himself at his residence, in Rutland, Vermont, in consequence of a discovery having been made that he had defrauded the United States treasury to an immense amount, by means of forged claims for revolutionary pensions.

Finding that his fraud must inevitably be discovered, he engaged these persons under a promise of a large reward, to commit the arson, in the hope that the fire would destroy every trace of his guilt. In this, however, he was disappointed; the most valuable papers and vouchers of the treasury department were rescued from the flames, and amongst them the proofs of his delinquency.

Upwards of a year ago one of the incendiaries was arrested at Syracuse, in this state, by Mr. G. Finch, a police officer of Newark, N. J. on a charge of forgery committed on three of the banks at Philadelphia: but on his way to that city he contrived to elude the vigilance of the officer and made his escape. Knowing, however, that he must eventually be retaken, he made a virtue of necessity and voluntarily surrendered himself, under the hope of pardon, to secure which, he communicated to the police all the circumstances in relation to the burning of the treasury office at Washington, admitting that he was *particeps criminis*, and through his exertions, the actual incendiary and his other accomplice have been apprehended, and are now on their way to Washington.

—

The frigate *Constellation*, and the sloop of war St. *Louis*, came up from the navy yard on Wednesday last. We understand the sloop of war *Warren* will sail in a few days. Her present destination is Key West, at which place she will remain some time. It is very unfortunate that at this moment the government cannot command the services of a few small armed vessels, of a light draught of water, to cruise among the islands, bays and inlets of the peninsula. It was understood some time ago that the revenue cutters had been placed under the direction of commodore Dallas for this purpose. This appears now not to be the case; indeed, it is questionable whether they are suitable craft for such a service. They are generally sharp, and draw too much water; still, however, they might be employed to great advantage in cutting off all intercourse between the Indians and the fishermen of the West Indies, as well as in transporting troops from point to point along the peninsula. [*Pensacola Gazette, March* 12.

—

The Baltimore Transcript of March 26th, says—

The detachment from the different military companies which left the city yesterday, under command of capt. Willey, for the scene of disturbance on the Susquehannah rail road, returned to the city last night. The cause of the disturbance, as stated yesterday, was a refusal on the part of some of the laborers to work without an advance of wages. They attempted also to prevent others who were satisfied with their wages from working. The result was a fight between the two parties. About 30 were taken prisoners; but on examination before a magistrate all were discharged except three. Two of these gave security for appearance, the other was brought to town and committed. The statement yesterday, that they had commenced tearing up the rails, proves to be incorrect.

—

There is much trouble in several of our large cities and manufacturing towns. The journeymen have had their *strikes* for higher wages—limiting them chiefly, or solely, by their own will—and the employers, in some instances, have associated and refused to give work to any persons belonging to a "*Trades' Union*," and even in some branches which have been free from "strikes"—that the workmen might not obtain the means of supporting one another. If these things are proceeded in, we must expect a serious arrest in the creations of wealth, and short supplies of articles produced by labor.

—

A deputation of twenty-seven Ottowa and Chippewa chiefs and delegates are now in Washington, for the purpose of treating for the cession of their lands within the state limits of Michigan. They have been kindly received by the president, who has referred the subject of their business to the secretary of war. We understand the portion of country which it is proposed to purchase, is of high value, and that it is probable a cession of it may be obtained on terms advantageous to them and to the United States.

—

We learn from Galena that *John B. Smith*, who shot Woodbury Massey, at Dubuque's mines, last fall, and whose case was dismissed by a late circuit court held at Mineral Point, for want of jurisdiction, was shot down in Galena on the 13th ult. by Henry L. Massey, a younger brother of the deceased. Smith lingered a few days and died. Massey had left the country.

—

The Boston Traveller of Friday says, "the premium paid yesterday for the boxes at Tremont theatre, beyond the regular price, was the unparalleled sum of $1,241 50. It was the farewell benefit of Mrs. Wood."

—

It is said that the object of Mr. *Jaudon*, in visiting Europe, is to dispose of the obligations which the bank of the United States has received, from various institutions in the different states, for the sale of its branches. It is calculated that the bank may realize a premium upon these obligations, and that *twenty millions* of dollars will be brought into the country by the operation.

—

Mr. *Leigh*, in his speech at the late Richmond dinner, mentioned a curious circumstance, which must not a

little embarrass Messrs. Benton, &c. The resolution of the senate, as it happens, is part on one page, and part on another. It had been proposed, he said, to get over the difficulty, by writing *Ex-* on one page, and *Punged* on the other! The announciation "set the table in a roar."

—

The bribery "humbug" that was hatched at Philadelphia, (in which gen. *Kreps*, of the senate, and a Mr. *Conrad* of the house figured so famously), has been brought to a close—as follows:

Harrisburgh, March 26, 1836. After some preliminary business, the house by a large vote, directed the speaker to reprimand Henry W. Conrad; whereupon Mr. C. rose, took his hat and walked out. Mr. McGiffin then moved that the sergeant-at-arms arrest Mr. C. instanter, which was carried unanimously.

With no little difficulty the sergeant-at-arms found Mr. Conrad, and brought him before the house for a reprimand. Conrad took the centre of floor, and told the speaker he wished it understood that he had been brought there by force. The speaker replied that he had *heard* the gentleman, and then delivered his reprimand. It was an excellent article, well written, strongly pointed, and extremely severe. Conrad winced, trembled, and turned, first to one side, and then to the other, and bit lips violently.

When the speaker had finished, Conrad asked if he was still in duress. The speaker replied, "the gentleman from Schuylkill can now take his seat as a member of the house." Conrad made no answer but walked out. The house have ordered the reprimand to be printed. Thus ends the bribery and corruption affair. [*Phila. Herald.*

Another account says—

The speaker then called upon Mr. Conrad, and informed him, that the house had made it his duty to reprimand him. Mr. Conrad rose in his seat, and declared he never would be reprimanded and took his hat and left the hall.

Mr. McGiffin moved that the sergeant-at-arms bring him back *instanter*, which was agreed to *nem. con.* No sooner said than the sergeant-at-arms left the room, and the members flocked to the windows to see the *fun*. Conrad made sail for the land office, where he was overtaken by the fast running sergeant, and he hove too. He ran upon his *toes*, and declared with great energy that he never would be taken; but the *pertinacious* officer gives him directly to understand that he must weigh his anchor, and sail back, and take in more cargo. "Sir," said he, "you *must* come, for I am told by the speaker to take you." He paddled back, with great speed, and did not stop until on the floor of the house, when he called the speaker to notice that it had been done by force! The speaker then pronounced one of the severest reprimands I ever heard, when Conrad again left the house. He has brought suit against the speaker and sergeant-at-arms.

The report on the case, and the reprimand shall be published.

—

The Albany Advertiser says, there is a search making for the heirs of *Hugh*, *John* and *Daniel Mosher*, in this country, to whom an estate of 32 millions has recently descended in England.

—

New Orleans, March 10. Some of the hands on the new canal had a quarrel with the sailors on board of the schooner Napoleon, lying at the Julia street basin, on Tuesday; a fight between them was prevented by the interference of the captain—but yesterday morning they watched the departure of the vessel, and when she had gained the bridge, they seized her hauser, drew her to the shore and began beating the crew; one sailor escaped with some injury, and brought the news to the city. The city marshal went in pursuit of the rioters, but was drove off. It was reported that three men had been murdered; but we were unable to obtain any positive information. We understand that a part of the legion were ordered out to assist the police in apprehending the criminals.

March 11. The hands on board of the schooner Napoleon, who were assaulted by the laborers on the new canal on Tuesday, were only *kilt*, not killed. They are, we understand, in the hospital, very badly injured. Some means should be devised to put a stop to the outrages so frequently committed by this kind of gentry. [*True American.*

—

The "National Intelligencer" of Tuesday last says—

The *senate*, it will be perceived, yesterday voted, by a large majority, to fix upon the 23d of May for the termination of the session. It was a saying of the famous *Sam Patch*, we believe, that "some things can be done as well as others." It is upon that principle, we suppose, assisted by a very natural anxiety on the part of the members to escape to their homes, that the senate has come to the conclusion that it will be possible to get through the mass of business upon the table of congress within less than sixty days. Most sincerely do we wish, however, that they may be able to accomplish an object so laudable and so desirable.

—

Latest from England. The packet ship Francois I, from Havre, via Plymouth, has arrived at New York, bringing London dates to the 15th February.

M. Somonosoff, first secretary of the Russian embassy at the court of St. James, had been appointed minister to the United States, and would soon sail direct for this country.

Lord Brougham is still in feeble health, at his seat, Brougham Hall. He does not, it is said, immediately contemplate the resumption of his parliamentary duties. In case of a division of the chancellorship, the present chancellor will be chancellor in equity, lord Denman speaker of the lords, and sir Jno. Campbell, chief justice.

The future king of Portugal, accompanied by prince Augustus, of Saxe Cobourg and count Lavradio, arrived at Brussels on the 9th.

Nearly all the English and French journals are excluded from the Russian reading rooms.

A new treaty of commerce is spoken of between England and France.

The emperor of Russia has confiscated more of the Polish estates.

There has been another battle between marshal Clausel and Abdel Kader.

Paris, Feb. 13. It is now suspected at the Tuileries, where the elopement has given much displeasure, that prince Charles of Naples and Miss Smith have sailed for the United States. In their flight the prince has assumed the name of Mr. Richard O'Connor, and his fair companion that of Mrs. O'Connor. There is with him a genuine Mr. O'Connor, whose family has been since desired to quit Naples. A courier, who is also of the party, goes by the name of Mr. Archibald O'Connor. It is said that lady S——, well known in your fashionable circles, has had a prominent share in this love affair, and that Miss Smith must have obtained a mighty sway over his highness of Padna, if she could have prevailed upon him to venture across the Atlantic. [*Morning Post.*

—

Saturday and *Sunday's* proceedings in the house of representatives are briefly noticed under the congressional head, as being, perhaps, the most disorderly and disgraceful of any that ever happened in that too often *uprorious* body. The session lasted until half past four on Sunday morning. We promised some further notice of it, and select the following—as affording the best sketches of it that can be obtained; and it is only a *sketch*, the reality having gone far beyond it. But the *history* deserves a record—and a *one-sided* one is all that can be had. It is remarkable, that the main points are agreed in, by the several accounts.

From the *National Intelligencer* of Monday last—

We need only to direct the reader's attention to the reporter's minutes of the proceedings of the house of representatives on Saturday last. On Saturday, did we say? The sitting extended to more hours *on the Sabbath morning* than the house usually sits on week-days. And all for what? Why, in a case purely judicial, to prevent one of the parties from taking testimony which he is ready to make oath will indisputably establish his right. Was such a thing ever before heard of? Which may be answered by another question: Did it ever before happen that, on the eve of a presidential election expected to depend upon the house of representatives, the seat of a member was contested, by ousting whom, the vote of an entire state, and by that means possibly the aggregate vote of all the states represented in the house, would be changed?

From the *Baltimore Chronicle* of Tuesday.

We have, heretofore, intimated, that the members of the house of representatives were spending their time most unprofitably to the nation, if not disreputably to themselves. The scenes which occurred in the house on Saturday night and Sunday morning last, confirm our impressions, and indicate that the greatest service the members could render to their country would be to adjourn.

The North Carolina contested election was the exciting subject on the above occasion. It is a war waged against the sitting member upon party grounds, as, by ejecting him, it is hoped to obtain the vote of North Carolina for Mr. Van Buren, should the election go to the house. * * * *

It is an evil that the house is so numerous. A smaller body would act with greater promptness and less quarrelling. But the propensity to make long speeches upon every trivial occasion, is a greater evil. This might possibly be remedied by limiting the sessions of congress—for it is notorious, that, at the long sessions, nearly three-fourths of the time is consumed in the declamation of demagogues, upon subjects foreign to legitimate legislation. Our house of representatives begins to resemble the national assemblies of revolutionary France, in in-

decent denunciations, abusive epithets, and noise and confusion. The national character is degraded by such proceedings, and they should be condemned by the press and by the people, without distinction of party. Brawling babblers should be silenced, or lashed into respectful deportment, and the business of the nation should be prosecuted. It is with the people to control their representatives, and we hope that the latter will be taught that, to secure public favor they must deserve it by an honest discharge of their duty.

The *Washington Telegraph* of Tuesday says—

At about twelve, Mr. Lawler moved an adjournment, because it was the Sabbath. Upon this the ayes and noes were ordered, and upon Mr. Adams refusing to vote, Mr. Wise reported him to the chair. Mr. Polk quoted precedents where the house had sat on the Sunday. Mr. Adams said they were not analagous—*then* great national concerns were before the house, and congress was on the eve of a final adjournment, and the good of the country demanded the departure from the general rule and custom of the house; *now* it was engaged in a subject that could easily be postponed, and it was improper thus to urge the question upon the Sabbath.

Mr. Beardsley moved that the gentleman from Massachusetts be excused from voting, because of the reasons he had given.

This roused up the eagle of Massachusetts. He was in a terrible rage. He did not want the house to excuse him—he would not vote, unless the house said explicitly that it had control of the consciences of members. "He had a conscience, Mr. Speaker, *but he did not appeal to it every day.*"

Mr. Peyton, of Tennesee, now rose and threw out his grappling irons upon the unfortunate attorney general of N. York. He ridiculed his conscience. That gentleman had on the "last night" of last session voted exactly as Mr. Adams refused to do, and now forsooth he was for spreading the mantle of his conscience over the honorable member from Massachusetts. The attorney seemed conscience-*stricken*, and looked pale as a winding sheet.

Mr. Bynum, the gentlemen who has been dubbed the champion of the majority, thundered forth in succession to Peyton. He knocked the poor minority about the head until Wise could stand it no longer, and finding a giant employed in boxing the ears of his friends, deemed it expedient to stretch forth his arm and lash the greater body; and he laid on in fine style, I should say. He told them they were not questioning the right of the sitting member, but were only waiting the opportunity to eject him from the house—to turn him out. He gave the party a terrible scoring indeed; so much so, that the target took it all as personally directed to himself; and when Mr. Wise had finished, he (Mr. Bynum) rose in a wrath that shook his sides and beat against his heart, like the lava of Vesuvius against the ribs of its mountainous prison. He brandished his arm and fist attached thereto, high in the air, and proclaimed in a voice like a lion's that the gentleman from Virginia, tho' he was a *bully*, should not bully him.

Wise rose, and leaning over and looking as if he was seeking for some object of very diminutive size, "I bully that gentleman, Mr. Speaker. Why, sir" (smiling), "I would as soon think of bullying a fly."

Scoundrel! screamed Bynum, moving from his seat. The house was as still as death, when Wise again rose, calmer than ever, as collected, and looking towards the gentleman from North Carolina, said—"you are a rascal—a pitiful and contemptible puppy."

Here great cries of order rose from the fully awakened members, and when comparative peace was restored, general Mercer of Virginia, rose to explain the circumstances that had gradually led the two gentlemen to their present painful point. He said that the member from North Carolina had mistaken the object of his colleague (Mr. Wise) who, in characterising the majority of the house, certainly did not mean to level his remarks personally to the gentleman. That he had seen them in social conversation a short time before, and they could not intend deliberately to characterise each other with the epithets used between them.

Several other gentlemen followed Mr. Mercer in his attempt to restore peace and tranquillity between the antagonist parties. And upon motion, the house unanimously imposed upon the two members its solemn injunction to lay their animosity aside, and remember, what they seemed to have forgotten, that they were members of the congress of the United States.

General Thompson, of South Carolina (the brave and the generous, and ever the first to heal the quarrels of others), proposed that if neither member objected to this process of the house, it would be a tacit pledge that they would not prosecute the difficulty farther, it evidently having arisen from the high and painful excitement of party feelings, without any predisposed intention of insulting each other.

Neither member objected. Then Bynum rose, and said that he certainly had applied the remarks of the gentleman from Virginia as personal; and having found that it was an erroneous impression, he regretted (or some such qualifying word) that he had used offensive language to that gentleman. Mr. Wise spoke upon the subject, and having reviewed the whole affair in a calm and dignified manner, said that an epithet (bully) had been applied to him, which he despised, and which no one should make to him without receiving the proper response. He did not deserve it, and would never, *here or elsewhere*, permit it to be used. He then made proper and manly explanations. * * * * * * *

* * Never was there such a scene—never one so disgusting in all its details.

A correspondent of the Baltimore Chronicle of Wednesday, has a long letter on this eventful night—we make a few extracts:

But still Mr. *Graves*, of Kentucky, went on, cutting up the arguments of Bynum, Hawes and Hamer, who preceded him, and lashing the party in general, in capital style. Some of the more respectable of the administration party began to grow tired and disgusted—perhaps too, they felt they had burned their own fingers. General Mason, of Virginia, tried an appeal to the sympathies of his allies. He said the sitting member was indisposed—that he wished to address the house; and therefore he hoped the rules would be suspended so as to make this subject the special order for Monday. He thought his friends would have compassion for a sick man, whose rights were at stake. He was mistaken. The motion was rejected by a clamorous chorus of noes. Graves went on. Several motions more were made to adjourn and successively rejected. Graves went on, and evinced a spirit and energy unexhausted and inexhaustible. He bore himself nobly. Some time afterwards, Mr. Garland, of La. repeated the motion made by Mason. *It was clamored down!* Graves proceeded. He had occasion to refer to a document as an integral part of his argument, and, as is usual, sent it to the chair to be read. The chair said it should be read, if not objected to. Some voices raised a cry of "object!" "object!" The chair—"It is objected to." Graves, with great energy, "let the objector rise in his place." Up sprung Cambreleng, and, * * * * *

"I object, sir."

Graves, with immense vehemence, "I am glad the gentleman has shown himself, and let the eyes of the house and the country be fixed upon him!" "Order! order!" was here cried out from various parts of the house—but Graves was not to be arrested by this obstacle. He asked a suspension of the rules, and Cambreleng could not get a majority to follow him into the mire of party meanness, into which he had himself plunged, with so much alacrity. Permission was given, and the document was read. Graves went on! The minority were in high spirits—the majority had become fierce and savage, and more determined not to break up without consummating the immolation of their victim. Our glorious little band beat them in their tactics. Graves suddenly and unexpectedly gave way; and before a single man of the party could get up, Mr. Calhoon, of Ky. obtained the floor, and was in full sail on the current of debate. The party were equally enraged and astonished at this feat—so much so, that when Mr. Calhoon yielded temporarily for an adjournment, which motion was negatived, Cushman, of N. H. a P Q [*previous question*] man, contested the floor with Mr. Calhoon, and moved the previous question! The chair declared Calhoon to be in possession of the floor. Cushman adventured so far as even to appeal from the decision—but there were immediately so many murmurs of "*too bad! too bad!*" from the more respectable of his associates, that he withdrew his appeal.

* * * * * * * *

Mr. Mercer next arose and began an argument against the continuing the sitting on the Sabbath, when he was assailed by those indecent shouts of "*order!*" "*order!*" which had been already heard so frequently. Mr. Mercer paused and looked upon the noisy rabble with an expression of infinite disdain. "*I am in order!* I am about to submit a motion that the gentleman from Massachusetts be not required to vote; and as my remarks are pertinent and proper, I shall not submit to be interrupted thus." He was again interrupted by the noise in the hall. I know no way to indicate it, except by calling it howling. Mr. Mercer raised his voice high above the discordant cries. "I am here to protect a friend from oppression, against most unparalleled and monstrous injustice. I am not for leaving the hall. *I will spill my blood on this floor* before I will stir an inch, so long as I can be of service in protecting his rights." He then referred to Graham's application for further time, so that he might address the house—his sickness and agitation of mind; spoke severely of this wanton and unprecedented violation of the Sabbath, and concluded with moving to adjourn. This motion was lost of course. Mr. Bynum then took the floor, and commenced to assail the minority in the fiercest manner. He denounced their conduct in opposing the majority so strenuously, as revolting! monstrous!! tending to revolution and rebellion!!! He continued in this strain some time, becoming more and more vehement. At last, he wound up with the assertion, that if the minority should persist in their efforts, *the majority would be obliged to call in the aid of the military at the disposal of the executive, to support their decrees.*

So: the last reason of kings is to be among the first with the *democratic party* of America. Shades of Sidmouth and Castlereagh, hide your diminished heads. We have men calling themselves republicans and democrats, who have it in their breasts to beat your tyranny and bloody proscription quite out of the field.

Can it be wondered at, that after such a declaration from a man speaking the sentiments of the majority, the minority should feel that their rights were not to be trampled under foot, crushed, ridden over by *system*. Such, doubtless, was the feeling of our gallant and independent band. Their free spirits rose against this monstrous arrogance and injustice. They soon found a voice in one worthy to speak for freemen—*Henry*

A. Wise. He rose and in his very first sentence, was most forcible and eloquent. He denounced the conduct of the majority for sitting on God's holy day to do an unholy act! "Why," he continued, "are you here after three o'clock in the morning, but to prostrate yourselves at the footstool of *power*? Why are you here, sir?, I will tell you sir! The *order* has come, you must do your work quick. We do not want you here. Push through your appropriation bills therefore and *go home. Some of you speak too many plain truths!* Sir, has it not been said in a high quarter, that our chairman of ways and means had better put on petticoats and go back to New York, if he does not get though the appropriation bills more quickly."

The speaker. "Order, the gentleman's remarks are irrelevant."

Mr. *Wise.* "I will try and be mindful of irrelevancy. I will remember the word to the day of my death. It cannot be disguised, that the work is to be done! And Sabbath is no reason at the palace for not servilely sitting to do that work."

He then proceeded to comment on the language used by Mr. Bynum towards the minority. He repelled that gentleman's charges—reminded the house of the maxim, that majorities may vote and minorities debate—and protested against the terms used towards those who resisted power. Mr. Wise then assumed a still bolder tone. "But," said he, "while you have this unjust, tyrannical, relentless majority, it is also the most imbecile, and most drivelling majority that ever disgraced this country."

Here Bynum rose and called Mr. Wise to order—and now commenced a personal scene, which it is impossible to think of without pain—but which naturally grew out of the conduct of the majority. Mr. Wise admitted he had indulged in considerable latitude of remark, but since the speaker had allowed the gentleman from North Carolina to go so much out of the question, he thought it extraordinary that so *orderly* a person should interpose. Here Bynum sprung up in infinite wrath, and again called him to order; proceeding to speak himself with earnestness, and also the incoherence which passion gives to some men. I understood him to say he would not be reflected upon—that he had not alluded to Wise, and he (Wise), might bully others, but should not bully him, that he was ready for him here or elsewhere. All this was said with the most *bravado* air imaginable.

Now, in order to understand the effect of this upon Mr. Wise, it is proper to mention, that attempts have been made in certain quarters, to produce the impression that Mr. Wise was bold to attack some men, but afraid of others. An article appeared a short time ago in a Virginia paper, directly impugning his courage, and pointing Mr. Bynum as a person who would answer to a call from him at any time. Many of the "party" have repeated it here. I have heard it banded about from one to another. Was it not natural for Wise, in a moment of excitement, to leap at once to the conclusion, that this person had been pushed on to urge him to a quarrel? Such I doubt not was the thought that flashed across his mind. He was roused, too, by the epithet bully—odious to every honorable mind. He replied in a tone of infinite contempt, "The gentleman talks of my bullying him—I would as soon think of bullying a fly!"

Bynum again called him to order: Wise demanded that the words should be taken down. Bynum repeated something like them, but with an abatement of the emblazonry—he did not repeat the contemptuous phrase. Wise denied his version was correct, and repeated the words as I have given them. Bynum grew more angry than before. He actually raved, this time. "Order" cried the speaker! rap! rap! rap! "order!" "order!" shout the members—but Bynum went on—the uproar and confusion became immense—the speaker vociferating to quell it—but in vain. Bynum talked louder and louder of Wise bullying others but not bullying him—he would not be insulted—the gentleman might call upon him out of the house—all this amidst the yells of "order!" Now, Wise seeing Bynum assume this attitude cut him short at once, by clinching his fist, shaking it directly at him, and saying in a deep forcible tone—"*You d——d little rascal!*"—those only in the immediate vicinity heard this—Bynum; immediately cried at the top of his voice, clenching his fist—"You d——d scoundrel" repeating the words two or three times amidst the greatest uproar. Both the members rushed towards each other but were held back by their friends. The speaker—who had endeavored in vain to quell the commotion—said he would call in the aid of the sergeant-at-arms, and threatened to leave the chair. A motion was made to adjourn, and a majority of voices sustained it, but Mr. Mercer implored the house not to adjourn in the present state of feeling.

Most fortunately they did not. Had they adjourned, I fear blood would have been spilt before day-break. Nay, if there had been a general contest terminating in the forcible expulsion of one party from the house, and the breaking up of congress, it would have been quite in character with the monstrous doctrines and practice of the majority during that day.

* * * * * *

Mr. Mercer addressed the house, and Bynum and Wise, particularly, in the most feeling and impressive manner, and called upon them to give pledges to the house that they would not pursue this matter farther. Several other members added their solicitations to the same effect. After some further proceedings, Mr. Bynum and Mr. Wise both explained, and the matter was adjusted.

A CARD.

We have seen with regret, that the unpleasant altercation between Messrs. Bynum and Wise has found its way into the newspapers. We will not do any thing that may in any way revive the unpleasant feelings which that controversy excited; we therefore forbear to give any of the details of that unpleasant scene. But as we have been referred to as having had some agency in its amicable adjustment, we take pleasure in expressing our own opinion, and as we believe, the unanimous opinion of the house, that both the gentlemen referred to behaved throughout with the most high spirit, and that it was adjusted to the perfect honor of both parties—more so indeed than if either had attempted to press it farther.

RH. M. JOHNSON,
C. F. MERCER,
WADDY THOMPSON,
FRANCIS THOMAS.

March 31, 1836.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

March 25. After other business—

The resolution offered yesterday by Mr. *Calhoun* was taken up and considered, and a discussion ensued, in which Mr. *Calhoun*, Mr. *Shepley*, Mr. *Benton*, Mr. *Clayton* and Mr. *Walker* took part.

Mr. *Shepley* moved to lay the resolution on the table.

Mr. *Calhoun* asked for the yeas and nays, which were ordered.

The question was then taken on the motion to lay the resolution on the table, and decided as follows:

YEAS—Messrs. Benton, Cuthbert, Ewing, of Illinois, Hendricks, Hill, Hubbard, King, of Ga. King, of Alab. Linn, Morris, Nicholas, Niles, Rives, Robinson, Shepley, Tallmadge, Walker, Wall, Wright—19.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Kent, Knight, Mangum, Moore, Robbins, Southard, Swift, Tomlinson, White—15.

On motion of Mr. *Clay*, it was ordered that when the senate adjourns, it adjourn to meet on Monday.

The bill for the relief of the corporations of the District of Columbia having been read the third time,

Mr. *Morris* asked for the yeas and nays, which were ordered.

The question was then taken on the passage of the bill, and decided as follows:

YEAS—Messrs. Clay, Crittenden, Cuthbert, Ewing, of Ill. Ewing, of Ohio, Kent, King, of Alabama, King, of Georgia, Linn, Nicholas, Porter, Preston, Rives, Robbins, Southard, Tallmadge, Walker—17.

NAYS—Messrs. Black, Calhoun, Hill, Hubbard, Morris, Niles, Shepley, Swift, Tomlinson, Wright—10.

So the bill was passed, and sent to the house of representatives for concurrence.

The bill to authorise the Bloomingdale and Leavenworth rail road company to construct a road through the public lands, was taken up, amended, and ordered to be engrossed for a third reading, and the bill was ordered to be printed in its amended form.

On motion of Mr. *Ewing*, of Ohio, the senate proceeded to consider the bill to extend the time for issuing scrip certificates on U. States military land warrants. After some discussion,

Mr. *Clay* moved a proviso, limiting the amount of lands to be granted by this bill to 20,000 acres.

The amendment was agreed to, and the bill was ordered to be engrossed and read a third time.

After some time spent in consideration of another bill concerning lands, the senate, without concluding, adjourned.

March 28. After the presentation of petitions, &c.

Mr. *Morris*, pursuant to notice, asked and obtained leave to introduce a bill to reduce the price of the public lands, &c.; which was read a first time, and ordered to a second reading.

Mr. *Southard* offered the following resolution; which lies over, under the rule, for consideration:

Resolved, That the postmaster general be directed to report to the senate whether the cause of the discrepancy of $40,470 91, stated in the report of the accountants to the committee of the senate, dated March 30, 1835, as then existing in the accounts of the treasurer of the general post office, has been discovered, and the said accounts finally adjusted; and if so, further to report the cause of the said discrepancy, and who was the occasion thereof, and whether the balance, if any, has been paid.

Mr. *Clayton* earnestly called the attention of the senate to the bill on the files to establish a territorial government in Wisconsin, and moved that the senate do now postpone all the previous orders for the purpose of taking up that bill. He proceeded at some length to explain the importance of speedy action on this subject, and in the course of his remarks, urging the action of the senate, he observed that there was now no law to restrain, punish or prevent crime in that part of the territory not embraced in the act of the 30th of January, 1823, to provide for the appointment of an additional judge for the Michigan territory. * * * * * * * * *

The committee on the judiciary had recently received intelligence that, for want of law to punish these murderers, one of them had been a few weeks since deliberately shot down in the public streets of the town of Dubuque, and was dying when the person who communicated this intelligence was writing his

letter. [*The delegate of the territory, who was standing near, observed that he was since dead.*] Mr. C. observed that congress ought not any longer to permit this state of things to exist. One of the largest and most fertile portions of our country was, by the neglect of congress, permitted to remain the scene of lawless violence, where private vengeance was the substitute for public justice. Let us act on this subject, therefore, sir, (said he), promptly, and if we do our duty towards this noble territory, the day is not distant when it will be made to appear, (as the committee which reported this bill has already declared), that it is capable of supporting the population of an empire.

Mr. *Clayton's* motion was then put and carried, and the bill was taken up for consideration.

When Mr. C. concluded, the amendment he offered was adopted by the committee of the whole, and the bill was then ordered to be endorsed for a third reading without a division.

The joint resolution, fixing on the 30th of May as the day for the adjournment of the two houses, was taken up.

Mr. *King*, of Alabama, moved to lay the resolution on the table, but withdrew his motion.

Mr. *Crittenden* moved to strike out the 30th, and insert 20th.

Mr. *Mangum* called for the yeas and nays, which were ordered.

After a brief discussion,

Mr. *Clayton* moved to lay the resolution on the table; which was negatived—yeas 11, nays 30.

The question was then taken on the motion of Mr. *Crittenden* to strike out "30th," and insert "20th," and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Ewing, of Ill. Hill, Hubbard, King, of Geo. Knight, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Porter, Prentiss, Preston, Rives, Robinson, Southard—21.

NAYS—Messrs. Benton, Buchanan, Clayton, Cuthbert, Davis, Ewing, of Ohio, Grundy, Hendricks, Kent, King, of Ala. Niles, Robbins, Ruggles, Shepley, Swift, Tallmadge, Tomlinson, Walker, Wall, White, Wright—21.

The *chair* gave the casting vote in the negative.

Mr. *Clay* moved to amend the resolution by striking out 30th, and insert 23d, and asked for the yeas and nays, which were ordered.

The question was then taken on this proposition, and determined as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ill. Ewing, of Ohio, Hill, Hubbard, King, of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Porter, Prentiss, Preston, Rives, Robinson, Southard, Swift, Tomlinson, Walker, Wall—28.

NAYS—Messrs. Benton, Buchanan, Cuthbert, Grundy, Hendricks, Kent, King, of Alab. Niles, Robbins, Ruggles, Shepley, Tallmadge, White, Wright—14.

So the blank was filled with the words "Monday, the 23d of May."

The resolution, as amended, was agreed to—yeas 34, nays 8.

Mr. *Clayton* stated that as the expunging resolution had been laid on the table at his suggestion, he would now move to take it up for consideration, as the senator from Virginia (Mr. *Leigh*) was then in his seat.

The motion was agreed to, and the resolution being under consideration,

Mr. *Rives* addressed the senate at length, in support of the resolution, and in reply to the senator from Louisiana.

Mr. *Leigh* said he would reply to his colleague; and unless any other gentleman wished to proceed, he would move that the resolution, the discussion of which he had not anticipated as likely to come on during his absence from his seat, should be laid on the table, promising to call it up as soon as he should have had time to examine the authorities.

The resolution was then laid on the table.

Various resolutions and unfavorable reports lying on the table were considered and adopted. And several bills passed.

The bill requiring the government and the post office department to make specie payments where the amount due is under $20, and payments on the spot equivalent to specie, in all cases, was taken up in committee of the whole.

After some debate, in which Messrs. *Benton*, *Wright*, *Buchanan* and *Davis* participated,

Mr. *Buchanan* moved to strike out $20, and insert $10.

The discussion was then renewed; and, before any final disposition of the bill,

On motion of Mr. *Mangum*, the senate adjourned.

March 29. A variety of business was attended to, to-day, and many bills disposed of.

The senate proceeded to consider a bill to establish the northern boundary line of Ohio, and to provide for the admission of the state of Michigan.

This bill produced a discussion, in which Mr. *Benton*, Mr. *Clayton*, Mr. *Hendricks* and Mr. *Wright* participated. Before the debate had terminated,

Mr. *Tipton* moved that the senate adjourn, but the motion was withdrawn.

The subject was then postponed until to-morrow; and,

On motion of Mr. *Davis*, the senate proceeded to the consideration of executive business.

After remaining some time with closed doors, the senate adjourned.

March 30. Mr. *Grundy* reported, with some amendments from the committee on the post office and post roads, the bill authorising contracts to be made between the post office department and the rail road companies, and the bill was made the special order for this day week.

Mr. *Tomlinson*, from the committee on pensions, to whom it was referred to inquire whether under any existing law, the pensions due to individuals could be stopped for the payment of debts due to the United States, reported a bill to prohibit any such construction of the laws in existence—which bill was read and ordered to a second reading.

Mr. *Clay* reported from the committee on foreign relations, with sundry amendments, a bill from the house to carry into effect the convention between Spain and the United States, and these amendments were ordered to be printed.

Mr. *Benton* rose to give notice, that he should to-morrow ask leave to introduce a bill making provision for the better supplying of the United States with bullion.

Many bills were passed.

The senate resumed the consideration of the special order, being the bill to establish the northern boundary line of Ohio, and to provide for the admission of Michigan into the union.

Mr. *Tipton* made some observations against the bill.

Mr. *Buchanan* at some length, advocated the principles of the bill and defended its details.

Mr. *Ewing* (of Ohio) replied to Mr. *Buchanan* and moved to amend the bill by striking out all after the enacting words, and inserting a substitute corresponding with the bill to establish the northern boundary line of Ohio, which passed the senate, (introduced by Mr. *Ewing*), some weeks ago.

Mr. *Wright* proposed an amendment requiring the ratification of the condition by convention instead of by the legislature of the new state.

March 31. Mr. *Morris* rose to present a preamble and resolutions adopted by the legislature of Ohio, instructing their senators in congress to vote in favor of the expunging resolution.

On presenting these resolutions, Mr. *Morris* made some remarks which drew forth a reply from Mr. *Ewing*, and Mr. *Morris* and Mr. *Ewing* having mutually rejoined, the resolutions were laid on the table, and ordered to be printed.

Mr. *Linn* presented resolutions of a similar character, which had been passed by the legislature of Missouri, which were also laid on the table.

Other business was attended to, which is not immediately interesting.

The bill to admit the territory of Michigan into the union as a state, and for other purposes, was taken up and further considered. The question being on the amendment offered by Mr. *Wright*, making the admission conditional on the compliance of a convention of delegates, elected by the people of Michigan, with the provisions of the bill.

Mr. *Southard* addressed the senate at length in opposition to the bill, and gave way to a motion to adjourn; which being withdrawn,

Mr. *Hendricks* moved two amendments to the bill, which were understood further to prescribe and regulate the action of Michigan and its convention in regard to the preliminaries required for its admission into the union.

The amendments were ordered to be printed; and then, on motion of Mr. *Naudain*, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, *March* 25. After some preparatory business—

Mr. *Hall*, of Vermont, from the committee on the post office and post roads, asked leave to make a report on behalf of the minority of that committee, on that part of the president's message relative to incendiary publications.

On rising, Mr. *Hall* said it was proper he should precede the report he was about to submit with a brief statement. About the first or second week of the session, when the president's message was dissected by the resolutions of the gentleman from New York, (Mr. *Beardsley*), so much of it as related to the post office department, including the subject of incendiary publications, was referred to the committee on the post office and post roads. The committee took the subject into immediate consideration, and in the course of some two or three weeks came to the conclusion, by a vote of 6 to 3 in favor of the constitutionality and expediency of legislation, to restrain the mail circulation of these publications. The committee then proceeded to discuss various bills proposed by different members of the committee, and continued the discussion from week to week, and time to time, until about three weeks since, when a majority not being able to agree on any mode of legislation, the whole subject was, by vote of the majority, laid on the table of the committee, with the view as he (Mr. H.) understood of waiting the action of the senate, and getting further light on the subject.

Mr. H. said he did not complain of this decision of the committee, and he was ready to accord to the majority the same upright motives which he would claim for himself. They doubtless supposed there was a reasonable probability of their eventually coming to an agreement. But, believing as he did that the more light gentlemen got, the more difficulty they would find in agreeing on a bill, he could not help considering the subject as disposed of for the session. Whether that were the case or not, the minority of the committee, having come to the conclusion that congress possessed no constitutional power to pass any law on the subject, were through with their inquiries, had completed their investigation, and were ready to report. And the nature of their report could not be affected by

any future action, or want of action, of the majority. This report of the minority was now, and must continue to be, that congress had no power to act on the subject.

Mr. H. said the position of the minority was very peculiar. The subject referred to the committee was one of great interest. The president, in his message, had recommended legislation to congress; his argument, the argument of the postmaster general, and that of a distinguished senator, the chairman of a committee of another body, all in favor of legislation, had been printed, laid on our tables, and read by every member. In this hall not a word, not a whisper had been heard in opposition to the principles thus promulgated. In the face of this official array of ingenious argument, the minority, acting under the oath they had taken to support the constitution of the United States, had felt it to be their imperious duty to oppose in committee every form of legislation which had been proposed. Under these circumstances, they felt that their position was one of much responsibility; that their course of action, and perhaps their motives, were liable to misapprehension, misconception, possibly to unjust imputation. It was for the purpose of justifying themselves to the house for the course they had felt it their duty to take that he sent to the chair a statement of their views, and would ask permission of the house that it be laid on the table and printed. Mr. H. said he only desired further to say that the report of the minority did not go into an examination of the character of the publications specified in the message, but was an argument to show that, whatever might be their character, congress had no constitutional power over them.

Mr. *Connor* objected to the reception of the report, as a proceeding before unheard of. The majority of the committee had not doubted the possibility of preparing a proper bill, but had differed as to its details. They would, he hoped, be able to report a bill in a few days.

Messrs. *Speight* and *Williams* also objected to the reception of the report.

Mr. *Hall* moved a suspension of the rules to enable him to present the report; which motion was not agreed to.

Many other reports were received and disposed of—when

The house resumed the consideration of the report of the committee on elections on the subject of the North Caroliua contested election.

The question being on the following resolution reported from the committee on elections:

Resolved, That James Graham is *not* entitled to a seat in this house, and that David Newland *is* entitled to a seat in this house.

Mr. *Graham* moved the following amendment: strike out all after the word "Resolved," and insert—

That the depositions which have been communicated to the house by the speaker, and laid on the table, since the report of the committee on elections was made, whenever taken on due notice, may be received by the house as testimony in this case, (concluding with the names of the voters).

And a debate commenced that continued until the adjournment of the house.

Saturday, March 26. The morning business being disposed of—

The house resumed the consideration of the report of the committee on elections on the subject of the North Carolina contested election.

[And thereupon commenced a long and ardent and tumultuous and *fiery* discussion, which lasted until *half past four o'clock on Sunday morning*. We cannot follow even the meagre sketches of the proceedings given—nor are they of any use; but have mentioned some of them in another place. The house had "resolved itself" into a "*bear garden.*" It was, perhaps, by far the most disgraceful scene ever exhibited in the house of representatives. The yeas and nays were frequently called, and many questions decided—the object of one party being to *force* the previous question, and of the other to shove it off. The finale to the proceedings is thus given.]

Mr. *Adams* said I deny the right of this house to make me vote on the Sabbath day.

Mr. *Hawes* said he hoped the gentleman from Massachusetts would be excused from voting, and made that motion.

Mr. *Adams* replied, sir, I do not ask to be excused.

Mr. *Hawes* withdrew his motion.

Mr. *Lawler* moved an adjournment, and thereupon the yeas and nays were ordered.

Mr. *J. Q. Adams* having been called, and not answering to his name,

Mr. *Wise* rose, and said: I inform the house that the gentleman from Massachusetts is in his seat, and has not answered to his name. I wish to know whether the house has the right to compel a member to vote, under present circumstances.

The *chair* replied that there was no power in the chair to compel a member to vote, and he referred to precedents to show that the house had never undertaken to exercise that power.

Mr. *Wise* said his object was to ascertain whether the house would or would not compel its members to take part in legislative proceedings, against their conscience, on the Sabbath.

The *chair* said the proper time for raising the question was after the roll had been called through.

The call having been finished, and many members, who were present, having refused to answer to their names, before the result was announced,

Mr. *Wise* renewed the question.

The *chair* read the 28th rule, as follows: "Every member who shall be in the house when the question is put, shall give his vote, unless the house, for special reasons, shall excuse him," and remarked that the chair possessed no power to compel members to vote. In the most extraordinary case of this kind that had ever occurred, the subject was discussed by the house, and, after various propositions had been made in reference to the course of the member refusing to vote, the whole subject was finally laid on the table. It was requisite, in the present case, that some specific proposition should be made to the house.

Mr. *Beardsley* proposed that the gentleman from Massachusetts be excused from voting, on the ground that he has conscientious scruples against taking part in the business of the house on the Sabbath.

Mr. *J. Q. Adams* said he wished to repeat what he had said. He did not desire to be excused, for he had done nothing which required to be excused. He had refused to answer to his name when called, but he did not put his refusal entirely upon the ground that the gentleman from New York had chosen to take for him. In cases of great public necessity, he was willing to legislate on the Sabbath, but he denied the right of the house to compel its members to take a part in business, upon ordinary occasions, on the Sabbath day. Mr. A. stated and supported his views on this point at length.

After some very earnest remarks from Mr. *Peyton*, in reference to the course taken by the majority of the house, and some explanations and remarks from Mr. *Beardsley*, the latter withdrew his motion to excuse the gentleman from Massachusetts from voting.

After various proceedings, and some discussion, in which Messrs. *Mercer* and *Bynum* took part,

Mr. *Wise* moved that the gentleman from Massachusetts be required to vote, for the purpose of testing the sense of the house upon the question whether a member could be compelled to sit here, at three o'clock on the morning of the Sabbath, for the purpose of doing an unholy act of party. Mr. W. extended his remarks in support of this motion to some length.

Mr. *Bynum* called the gentleman from Virginia to order in the course of his remarks on the conduct of the majority, and some conversation of a personal nature took place between those gentlemen.

There being much confusion and excitement in the house,

Mr. *Connor* moved an adjournment.

Mr. *Thomas* said he was compelled to call the yeas and nays on this question, and added, the house must not adjourn in this state.

Mr. *Mercer*. I implore the house not to adjourn. It ought not to adjourn.

The motion to adjourn having been withdrawn,

Mr. *Mercer* addressed the house in an impressive manner, and at some length, in regard to its duties to the individual members who had been brought into a painful personal collision, and cited precedents from the history of the house of commons, which, in his opinion, ought to govern the conduct of this house on the present occasion. He suggested a course by which the unhappy difficulty would be adjusted in a manner mutually satisfactory and honorable to both parties.

Messrs. *Peyton*, *Thomas*, *R. M. Johnson*, *Adams*, *C. Allan*, *Patton*, *Thompson*, of S. C. and *Howard* sustained the appeal of the gentleman from Virginia, with a view to procure a reconciliation between the parties before the house adjourned.

After some further proceedings in the course of which Messrs. *Bynum* and *Wise*, having simultaneously risen, made mutual explanation in regard to what had passed,

Mr. *Davis* rose, and said that, regarding the controversy as having been adjusted, he moved to suspend the rules for the purpose of making the subject of the North Carolina contested election the special order of the day for Monday, after one o'clock, and Tuesday, after twelve o'clock, which was agreed to, and the motion indicated was offered and agreed to.

Mr. *Wise* withdrew his motion in regard to the course of the gentleman from Massachusetts.

And, at *half past four* o'clock, A. M. the house adjourned.

Monday, March 28. The resolutions of the legislature of Kentucky, with the motion to commit them, with instructions to report a bill, to the committee of ways and means; and the motion to amend by substituting the committee on public lands, being the first business in order, were then taken up.

Mr. *C. Allan*, of Kentucky, called for the reading of the instructions; after which, he continued the course of remarks which he began on Monday last.

The morning business being ended—the house proceeded with the special order of the day, and resumed the consideration of the report of the committee on elections on the subject of the North Carolina contested election.

Mr. *Calhoon*, of Ky. whose remarks were interrupted by a question of order at twelve o'clock on Saturday night, resumed and concluded his remarks on the subject.

Mr. *Graham* (the sitting member) followed and spoke at great length in support of his claim to the contested seat.

Mr. *Newland* (the petitioner) obtained the floor, but yielded it to

Mr. *Garland*, of La. who moved an adjournment, which was agreed to—94 to 29.

The house then adjourned.

Tuesday, March 29. The *speaker* laid before the house the following communication, viz:

Washington, March 29, 1836.

SIR: I will thank you to communicate to the house of representatives that I have this day forwarded to the governor of the state of New York my resignation as a member of that body.

I have the honor to be, sir, with great respect, you most obedient servant, S. BEARDSLEY.

To the hon. *James K. Polk, speaker*, &c.

The said communication was read, and ordered to lie on the table.

Mr. *Fairfield*, from the committee for the District of Columbia, reported a bill to incorporate the Jackson city corporation, in the District of Columbia.

The bill having been read a first time by its title, and the question being on its second reading, objections were made.

Mr. *Fairfield* said the bill gave no powers to the corporation, except such only as were necessary to enable them to manage the common property of the corporation. It did not grant them a city charter.

Mr. *Wardwell* remarked that, in his opinion, if there ever was a humbug, this was emphatically one; and he hoped the house would at once reject the bill. What are the facts attending this most singular application? Several gentlemen have purchased a farm at the south end of the long bridge, over the Potomac, in this District. Their ostensible object is to build a city; but in my opinion, the real object is to make money out of it at the expense of the community. Should we incorporate this company, what will be the consequence? The lots will be advertised in New York, and every city in the union. They will be sold at a large price. The company will pocket the money, and those who purchase will lose it. This will be the result of this humbug. He hoped the house would reject the bill at once, and not give countenance to a project so well calculated to deceive the people.

Mr. *Speight* thought the course proposed, of rejecting the bill, was unusual and disrespectful to the committee which had reported it. He then called for the reading of the bill.

Mr. *Vanderpoel* objected to treating the bill discourteously, though he would not vouch for its expediency. He should like to have it take the regular course, but he would not say he should vote for it finally, though he was one of the committee which reported it. It did not strike him that at first blush it appeared so outrageous as to require its immediate rejection.

Mr. *Bond* made some general objections to the principle of the bill. If corporations for speculating in land, and such purposes, were to be granted, every body in the District would be asking for similar acts of incorporation. He did not think any action upon the bill necessary, for he did not believe a single man on the floor would vote for it.

Mr. *Peyton* said he regretted to see to what *purposes* and uses "*the party*" were appropriating the president's name. Not content with making use of his name as a matter of *political speculation*, by which they were attempting to appropriate to themselves all the offices in the government, they were now asking the sanction of this house to use it as a matter of *pecuniary* speculation. I am opposed to this, Mr. Speaker. I do not wish to see general Jackson's name identified with the bogs and swamps of the Potomac, and bandied about as an article of merchandise. What, and where is Jackson city? It is like the Georgian's land in the western district of Tennessee. He had been out to examine into its situation and value. On his return, his friends were anxious to know if it was *productive*. He said it certainly was; that he thought the whole 640 acres would, upon an average, produce 60 bushels of *frogs* to the acre, and *alligators* enough to fence it. And sir, a few speculators from New York ask us to identify by law these bull-frogs of Jackson city with the name of the president, that they may the more easily impose upon the credulous. They ask us to aid them in selling them out at a thousand dollars apiece, in the name of *gen. Jackson*. Sir, is it not enough that they should appropriate his military fame, those laurels which he won in the field, his vast popularity and political influence, to their political purposes? Shall they incorporate and *sell* his name throughout the country in market as a city? I am opposed to their applying gen. Jackson's name to all sorts of uses.

Mr. *Fairfield* advocated the bill, and remarked that, notwithstanding the fastidiousness of the gentleman (Mr. *Peyton*) to the use of gen. Jackson's name, he would be glad to see him and his whole party *swamped*. He stated that when the first draught of the bill was presented to the committee it contained enough to make a volume, and gave powers nearly equivalent to the charter of a city. He had, however, cut it down to a simple act to incorporate a company for the management of property; and he did not think, upon examination, any good objection would be made to its passage.

The bill was laid upon the table—ayes 80, nays 64.

At 12 o'clock, in pursuance of the special order for this day, the house resumed the consideration of the report of the committee on elections on the subject of the North Carolina contested election, and the following resolution with which the report concludes:

Resolved, That *James Graham* is *not* entitled to a seat in this house, and that *David Newland* is entitled to a seat in this house.

The question being on the resolutions moved by Mr. *Rencher*, on Saturday, as a substitute for the above,

Mr. *Newland* (the petitioner) took the floor and spoke at some length in support of his claims to the seat, and in reply to the argument of the sitting member (Mr. *Graham*).

Then followed a wide and long debate—in which many members took part. Decisions of the chair were frequently appealed from—but confirmed. At last,

Mr. *Williams*, of N. C. moved a call of the house, which was ordered, and the clerk proceeded to call the house.

The call of the names having been made, the doors were closed, and absentees called upon for excuses, but soon after, on motion of Mr. *Williams*, of North Carolina, the proceedings were suspended, 190 members having answered to their names.

The question then recurred upon the demand for the previous question, which, having been seconded by the house, was ordered to be taken by yeas and nays, and decided in the affirmative—yeas 112, nays 87.

The house adopted the first branch of the resolution—yeas 114, nays 87; and rejected the second branch—yeas 99, nays 100; *and then passed a resolution referring the election back to the people*. Adjourned.

Wednesday, March 30. Mr. *Hawkins*, by consent of the house, offered a resolution directing the clerk of the house to pay to David Newland, esq. the full amount of pay and mileage which would be due to him as a member of the house, from the day when he presented his petition, to the 29th instant, inclusive.

Mr. *Rencher* suggested that when the bill for the compensation of Messrs. Moore and Letcher was taken up, the gentleman could move this as an amendment.

The resolution, on motion of Mr. *Mercer*, was so modified as to instruct the committee on elections to inquire into the expediency of making the proposed allowance.

The resolution, as amended, was agreed to.

Mr. *W. B. Shepard*, from the committee on the District of Columbia, reported a resolution setting apart the 27th and 28th of April, for the consideration of business relative to the District of Columbia; which, after some consideration, was laid on the table.

Mr. *Cambreleng* moved to amend the resolution so as to strike out the 27th and 28th, and insert the 29th and 30th, viz: Friday and Saturday. It would be necessary (he said) hereafter, to give more than one day a week to the consideration of the public business. It would indeed, he thought, be necessary, by the time proposed, to suspend the rules appropriating Friday and Saturday to private business.

Mr. *Whittlesey* hoped the motion would not prevail. It would be an abandonment of decisions upon private claims. Many important bills had been reported which ought to receive the action of the house; and he would ask, if petitioners with just claims should be compelled to come up year after year, without having their rights examined by the house. There was no necessity for the course proposed. If gentlemen wished to speak upon the appropriation bills at length, there would be ample time, without intrenching upon the time allotted to the consideration of private bills.

Mr. *Briggs* moved to amend the resolution so as to set apart the 28th and 29th for the purpose.

Mr. *Cambreleng* said he had no objection to this course, and withdrew his motion.

The motion to amend was not agreed to.

Mr. *Parker* moved to lay the resolution on the table.

Mr. *Wm. B. Shepard* called for the yeas and nays, which were refused.

The motion to lay on the table was agreed to, by a vote of 70 to 54.

The house proceeded, at one o'clock, to the special order of the day, and resumed in committee of the whole on the state of the union, the consideration of the "bill making appropriations for the naval service of the United States for the year 1836."

Mr. *Garland*, of Va. who was entitled to the floor, addressed the committee at great length, in reply to the remarks of the gentlemen from Maine, (Mr. *Evans*), from South Carolina, (Mr. *Thompson*), and from Tennessee, (Mr. *Bell*), heretofore made on this subject.

Adjourned.

Thursday, March 31. Various petitions, and other ordinary business being attended to—

Mr. *Hawkins*, from the committee on elections, reported a resolution, directing the clerk of the house to pay to *David Newland*, esq. the same amount of pay and mileage, as is allowed to members of congress, to be computed from the day of presenting his petition to the house, contesting the election of *James Graham*, esq. to the 29th inst. inclusive.

Mr. *Underwood* dissented from the proposition of Mr. *Hawkins*, and gave his reasons at considerable length. A debate followed; but, finally, the resolution was adopted—124 to 54.

The naval service bill came up in course, the debate proceeded, and Mr. *Garland*, of Va. finished his speech, Mr. *Jarvis* obtained the floor, the committee rose, and the house adjourned.

BALTIMORE AND OHIO RAID ROAD.

CITY COUNCIL—FIRST BRANCH.

Wednesday, March 23.

Mr. Barnes, from the joint committee appointed to witness experiments upon the power of the locomotive engines, at the inclined planes, submitted the following report:

The joint committee of the city council of Baltimore, appointed to witness the experiments upon the power of the locomotive engines of the Baltimore and Ohio rail road, at the inclined planes, respectfully report:

That your committee left Baltimore on the morning of Tuesday last, accompanied by a committee of the board of directors of the company, a committee of the board of trade, and other individuals, in all amounting to forty-two persons. The train consisted, besides the engine and its tender, of a double eight wheeled passenger car, constructed to accommodate forty-four persons; and three four wheeled passenger cars, capable of containing seventeen each. After some delay, occasioned by coming in contact with the leaders of a burden team, who, being alarmed, sprung before the engine from off the adjoining track, the train arrived at the foot of plane number 1, at the distance of forty-two miles from Baltimore. The instructions given to the engineer had been, as your committee are informed, to stop here, and, disengaging the double car, to attach the three single cars to the engine, and to ascend the planes with them, and with fifty passengers, this being a demonstration of the power of the engine, which, it was believed, would satisfactorily prove its efficiency for use, where the elevation was at the rate of two hundred feet per mile. Confident, however, in the power of the engine, the engineer, without stopping at the foot of the plane, commenced its ascent, with the train that had left Baltimore. The impetus acquired on the level was lost in the first three hundred feet of the ascent, after which, the engine drew its load steadily to the summit of the first plane, at the rate of from four to five miles an hour, accumulating speed as it approached the top. This plane is 2,150 feet in length; 2,050 feet of which ascend at the rate of 197 feet per mile; and 100 feet at the rate of 201 feet per mile. From the first plane the train proceeded to the second, which is 3,000 feet in length—2,800 feet of which ascend at the rate of 170 feet per mile—100 feet at the rate of 227 feet per mile, and 100 feet at the summit, at the rate of 264 feet per mile. The engine and its train ascended at the rate of from 5 to 6 miles per hour, to within thirty feet of the summit of this plane, when, while on the grade of 264 feet to the mile, it stopped. The three small cars weighing five ton one hundred weight, were then cast loose, when the engine starting, without assistance, on this grade, drew the double car and passengers to the summit with the greatest apparent ease. The steam escaped in volumes from the safety-valve as well when the engine reached the summit of the planes as when it left the foot of them. The weight drawn up the planes was as follows, according to actual weighing:

Patterson	1.	10.	2.	0.
Patapsco	1.	15.	2.	0.
Carroll	1.	15.	0.	0.
Double car	4.	17.	0.	0.
45 passengers	3.	0.	0.	0.
Tender	4.	7.	0.	0.
Tons	17.	5.	0.	0.
Engine	8.	10.	0.	0.
Making a gross weight of	25.	15.	0.	0.

This weight of 25 tons 15 cwt. was drawn up the grades before mentioned, the steepest of which was 227 feet per mile, with much ease, and by the inherent power of the engine, without the assistance of the impetus of previous high speed—and the weight of 20 ton 15 cwt. deducting from the above the weight of the three cars cast off on plane number 2, was drawn with equal ease up a grade of 264 feet to the mile—the engine starting the train from rest on this grade. At the summit two car loads of pig iron weighing each four tons, were attached to the train, and the whole, weighing then 33 tons 15 cwt. was made to descend the plane, on the return to Baltimore, by the action of the engine alone, and without the assistance of a brake, at such speed as the engineer pleased, and was several times stopped, on the way down, to show the command in which the engine was held.

With such results as the above, it is unnecessary to add, that your committee are equally gratified and surprised; and from what they themselves witnessed, they have no hesitation in expressing their conviction, that the engines of the Baltimore and Ohio rail road, are capable of drawing with ease, at least fifty passengers, up ascents of any length, of from 200 to 220 feet per mile.

From the account thus given, it will be at once seen, that the performances of the best engines in England have been far surpassed; and although your committee are aware, that calculation was competent to prove the practicability of ascending grades like those at the planes, with engines of the weight and power used on this occasion, and with similar loads, yet it was reserved for the company in question to prove that machines of such giant power could be constructed, combining with their great strength, the important qualities of speed, durability, facility of repair, and capability to use anthracite as their fuel.

Your committee are glad to have an opportunity of expressing their sense of the obligations, which the efforts of the Baltimore and Ohio rail road company have conferred upon the rail road system generally, and more especially in reference to it, as connected with the city of Baltimore. It is now a matter of common parlance, to assert, that the Alleghanies can be passed by locomotive engines by the Potomac route, without the use of stationary power; and your committee entertain no doubt of the fact. It is this, which gives to Baltimore, the vantage ground in the competition with her sister cities, for the western trade; and yet this is owing, not more to the geographical depressions of the mountain range, than to the engines perfected by the company just named. Excepting the engines manufactured by them, there is probably not one in the United States, although some of the best ever made in England have been imported, which is capable of ascending the grades and passing the curves for any profitable purpose, which must occur among the mountains on the road in question. While nature, therefore, has done much to facilitate the intercourse of Baltimore with the west, the Baltimore and Ohio rail road company has not done less.

Your committee make these remarks as an act of justice; and they do it with the more pleasure, because it enables them to bestow a deserved complement upon the American mechanics, who have so well illustrated their capacity and skill in the manufacture of the engines in question: proving, satisfactorily, that in this, as well as in the other departments of human industry, their inventive genius is capable of the most elevated and useful flights. It is now but a few years, since the universal voice called upon the Baltimore and Ohio rail road company to follow the example of their neighbors and import their engines: and their perseverance in refusing to do so, although founded upon the very best and truest appreciation of circumstances, was stigmatized as folly or obstinacy. The result has fully justified their course, and shewed that their confidence in the skill of the artizans of this country to produce a more perfect machine than had yet been manufactured in England and better adapted to the road from Baltimore to the Ohio, was fully warranted.

The capacity of a locomotive engine when employed in heavy drafts depends upon three things:—1st. Its weight, which gives it the adhesion on the rails that is requisite. 2d. The capacity of its cylinders to use the adhesion to its utmost limit.—3. The ability of the boiler to supply the cylinders with steam equal to their capacity. Where the power is applied to but one pair of wheels but half the adhesion is used, supposing the weight to rest equally on the four wheels. Where the power is applied to both pair, the weight of the whole engine is made effective to produce adhesion. The English engines generally have but one pair of wheels geered. The engines of the Baltimore and Ohio rail road company have both pair geered. The weight of the engines, therefore, being equal, and there being enough steam to overcome the adhesion of both pair of wheels, the Baltimore engine must be double the effective power of the English engine. The larger the cylinders, in stroke and diameter, there being steam enough to supply them, the greater the power they afford—and the cylinders of the Baltimore engines being twelve and an half inches in diameter, and twenty-two inches stroke, while the English engines rarely exceed ten or eleven inches in diameter, by seventeen or eighteen inches stroke, the former are, of course, the most effective, since the daily experience of the Baltimore and Ohio rail road company shows the ample supply of steam, which the peculiar construction of the boiler affords at all times. At the end of nine months of constant use, the tubes of the Baltimore boiler have been found on examination as perfect as when they were inserted, while in the English engine, the renewal of tubes is a constant source of expense and vexation. The number of tubes in the Baltimore engine is four hundred, while in the English engine it rarely exceeds 120, causing a proportionate difference in the fire surface, or capacity for generating steam, the heat applied in the furnace being the same.

Your committee state these facts, which are of easy comprehension, to shew that the superiority of the Baltimore engine over the English one of the same weight, is not a matter of accident only, or about which there can be any mistake, but an inevitable consequence of well known philosophical and mechanical principles.

The engines of the Baltimore and Ohio rail road company are manufactured by Messrs. *Gillingham* and *Winans*, at the company's shop. Both of these gentlemen were, for many years, in the service of the company, in the department of machinery, before they became contractors; and to them, together with the late *Phineas Davis*, the former contractor, is to be attributed the perfection of the present locomotive. Their establishment is a large one, employing upwards of an hundred workmen, and of itself is of great benefit through the employment that it gives, and the money which, necessarily, it is the means of circulating. The company has a prior claim to the services of the contractors, paying a stipulative price for the engines, ($5,000) and the machinery which are obtained from them, and paying for repairs by the time which they consume. The expenses of the shops are borne by the contractors, who build and manufacture for others as well as the company. The shops and permanent machinery have cost the company about $10,000—which sum has been already returned to it in the reduced price for which the contractors build the engines, in consideration of the advantages of the use of the shops, the proximity to the road, and the opportunities of working for other companies.

In the annual reports of the Baltimore and Ohio rail road company, the power of their engines has frequently been mentioned; and the authority and character of these reports have been quite sufficient to authenticate the facts therein stated. Your committee are aware however, that the incredulous as to the ascent of the planes at Parr's Spring Ridge, have not been

fow, and, perhaps, the very importance of the results stated, so far exceeding all previous experience, has been the cause of doubt; or in other words, "the news was held to be too good to be true." Your committee however are witnesses, with many others, to the surprising efforts and efficiency of the engines in question, and they are glad that an opportunity has been afforded them, to add their testimony in corroboration of that which reflects so much credit upon the mechanics of our country, and to express their approbation of the persevering and patriotic individuals who, in the management of the Baltimore and Ohio rail road, have called our native talent into play, and done so much to develope and increase the efficiency of the rail road system. All of which is respectfully submitted,

SAMUEL BARNES,
WALTER BALL,
SAMUEL HARKER,
J. B. SEIDENSTRICKER, } committee of the first branch.
JOSHUA DRYDEN,
JOHN SCOTT,
HENRY MYERS,

WILLIAM REANEY,
SAMUEL READY,
JAMES FRAZIER, } committee of the second branch.
F. LUCAS, JR.

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BALTIMORE AND OHIO RAIL ROAD.

At a large meeting of the friends of internal improvement, held at the court house in Uniontown, Pa. on the 16th March, the following preamble and resolutions were *unanimously* adopted:

Whereas the Baltimore and Ohio rail road, presenting as it does the nearest and best connexion between the Atlantic seabord and the western states, is an object of the highest national importance, whether considered in reference to the mail, military or commercial operations of our country:

At a time, therefore, when the national treasury is full to overflowing, this great national undertaking, already carried, by the patriotic efforts of individual enterprise more than one hundred miles from the seat of the federal government, towards the west, (being nearly one-third of its entire extent), ought not to be suffered by congress to fail or faulter for want of the means of its speedy and vigorous prosecution, and the more especially since it is ascertained, beyond all doubt, that the mountain can be overcome by this route without the use of *stationary power* or inclined planes any where exceeding 50 feet of ascent in the mile, thus securing the transportation of mails and munitions of war in 24 hours, from Washington city and Baltimore, to Pittsburgh and Wheeling, on the Ohio river:

And as the government of the United States will be obliged to avail itself (at any expense) of rail roads as the swiftest conveyance for its mails—Therefore, in the opinion of this meeting, the government ought to adopt *a general system*, at once, by *contracting with the companies incorporated for the purpose of constructing such roads to transport the mails, troops, military stores, or other property of the United States, forever, free of charge, in consideration of a stipulated sum to be paid as the work progresses.* Under such a system, the mails and military operations of this country would soon be carried on, not only *free of expense* but with a *celerity* and *efficiency* unprecedented in the annals of the world.

Regarded as a system of military defence merely, unconnected with its other uses, how superior to any system of fortifications would be a system of rail roads traversing our extensive seabord from Maine through Florida to New Orleans, with branches penetrating the interior in every direction, and enabling the government to concentrate, at any time, and at any point on our maritime frontier, in a few hours, and at a trifling expense, 100,000 *citizen soldiers* upon whom, *this* country must always rely for its defence—a system equally available for the repulsion of invaders from abroad, and the suppression of insurrections at home. The superiority of this system for national defence will be manifest from the statement of the ascertained fact, that the Baltimore rail road company have now, before its work is half completed, 1,350 cars, in which they can transport 54,000 men from Baltimore to Washington city, in less than three hours, and deliver them, as fresh and ready for action, as at the moment of their departure; this alone would have saved the country from the mortification and disgrace of having its capitol destroyed by hostile hands during the late war. Thus by uniting Boston, New York, Philadelphia and Baltimore, by similar roads, each having cars sufficient to carry 50,000 troops, 250,000 men might, in a few hours, be concentrated in any of those cities. In point of *economy* and *utility* how stands the comparison?

In peace as well as in war, forts and fortifications are a heavy and constant burden of expense to the treasury, while rail roads, instead of burdens would confer benefits beyond their cost, not only in reference to mail and military operations, but also in the facilities they would at all times afford to internal commerce and intercourse, and in their immense value as *bonds of social and political union among the states.*

As to the constitutional power of congress over the subject in this form, there can be no question. The money is appropriated for the express purpose of carrying the *mails* and *munitions of war*, both of which powers, are, by the constitution, expressly granted to congress. The duty of providing for the *national defence* is imposed on congress, and the selection of the means appropriate to this end was unavoidably left by the constitution to their sound discretion. If then rail roads are found to be as efficient for national defence as forts and fortifications, congress has unquestionably the same right to adopt them.

But if, while they are equally valuable for national defence, they will also serve to carry into effect other powers confided to congress, viz: the transportation of the mails and the "regulation of commerce among the several states," then they would seem to be even more clearly within the constitutional competency of congress than forts, arsenals, &c. which are adapted to but a single constitutional end.

Therefore, resolved, as the *unanimous* sense of this meeting, that our senators in congress and the representative of this district, be respectfully requested to use their endeavors to procure the passage of a law granting an appropriation to the Baltimore and Ohio rail road, on the terms indicated in the foregoing report.

Resolved, That the foregoing preamble and resolutions be communicated by Andrew Stewart, chairman of the committee who reported them, to our said senators and representatives, and to direct their publication.

WILLIAM DAVIDSON, *president.*

GIDEON JOHN, } *vice presidents.*
ELI ABRAMS, }

James Abraham, } *secretaries.*
Alfred Patterson, }

MR. GRUNDY'S BILL,

IN RELATION TO CARRYING THE MAILS ON RAIL ROADS.

Mr. *Grundy*, according to notice, asked and obtained leave to introduce the following bill:

A bill to authorise contracts for carrying the mail and public property of the United States upon rail roads.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That, for the purpose of obtaining for and securing to the United States the use, as hereinafter specified, of the rail roads which have been or may be completed within the states or territories thereof, for the transportation of the mail, and for other public purposes, the postmaster general be, and he is hereby, authorised to receive from the states, corporation, and companies owning the rail roads which are now completed, or which are now or may hereafter be in a state of progress towards completion, and of which any section may have been completed between points important in the transportation of the mail, propositions specifying the same which the said states, corporations and companies ask to be paid by the United States for the use as aforesaid of the said roads, and for which the proposers will respectively agree to carry the mail of the United States, and the persons having charge thereof, as often and at such hours as the postmaster general may direct, in preference to any other thing or person carried or to be carried on the said roads, and in the most rapid mode of transportation used or to be used on the said roads; provided that the postmaster general shall not be authorised to require the mail to be carried on any of the said roads more frequently than once in each day, unless more than one separate car or train of cars shall be run on each day of the transportation of persons or things, in which case if required, a mail shall be carried in any such additional separate car or train. Also, to carry upon the said roads the agents of the post office department, travelling upon the business of the said department, under the orders of the postmaster general, and the officers of the army and navy of the United States, travelling under orders. Also, to carry upon the said roads, in preference to any other thing, the public property of the United States, timber and stone excepted, and the persons having charge thereof, and the troops, seamen and mariners of the U. States, when and as often as the trasportation of the said public property, troops, seamen or mariners shall be required by the president or any other officer of the United States having authority to order the same. And the post master general is authorised to make contracts, in the name of the United States, for the use of such of the said roads as the interests of the public may require, having regard to the duration of the charters of the said corporations; which contracts shall secure to the United States the free use, in manner aforesaid, of the said roads, and shall distinctly provide for the services to be performed by the contractors, and shall specify the sum or sums to be paid by the United States immediately after the approval of the contracts by congress, as herein provided, if the roads be completed, or by instalments proportionate to the sections of the said roads which are then or may thereafter be completed, payable when and as often as the said sections shall be finished and brought into use.

Sec. 2. *Be it further enacted*, That all the contracts which may be made, pursuant to the provisions of this act, shall be forthwith submitted to congress, if in session; if not, then at the commencement of the next session; and if sanctioned by resolution thereof, approved by the president, the money agreed to be paid by the United States shall be paid out of any money in the treasury not otherwise appropriated, upon the certificate of the postmaster general that the same is due according to the terms of said contract.

Sec. 3. *Be it further enacted*, That every contract made pursuant to this act shall, for the purpose of securing the due performance of the services for which it stipulates, be deemed to create a specific lien or charge in behalf of the United States

for the amount of money paid thereon, upon the road for use of which it is made, and the land upon which the said road is constructed, or appurtenant thereto; and all the fixtures pertaining to the said road, and the said lien or charge shall bind the said road, land and fixtures, in whose hands soever they may be, in preference to any other title, claim or demand whatever, either of the owners, part owners or stockholders of the said road, or any other person, body politic or corporate, claiming the same, or any interest in, or part of, the value or proceeds thereof, by any act of law, or by any contract, sale, mortgage, deed of conveyance, forfeiture, escheat, grant, judgment, decree or execution, except specific liens existing at the passage of this act. And if, by reason of the forfeiture, repeal, annulment, or surrender of the charter of any corporation, or of the dissolution of any company, contracting as herein provided, or from any other cause, the services stipulated to be rendered in any contract made pursuant to this act shall remain unperformed without the assent of the United States, the president of the United States shall cause proper legal proceedings, founded upon the lien created by the contract, to be instituted for the recovery of the money paid by the United States, without interest, but such proceedings shall, in no case, be instituted so long as the United States continue to receive the services provided by the contract.

The bill was read twice, and referred to the committee on the post office and post roads.

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SURPLUS REVENUE—RAIL ROADS—MR. GRUNDY'S BILL.

From the Washington Globe of Saturday.

Among the projects for disposing of parts of the surplus revenue, there is none which promises more public utility than the proposition to contract for the freedom of the rail roads for all government purposes. In a practical point of view, the following advantages are to be anticipated:

1. It will give conveyance to the mails, without charge, on the routes where it is heaviest and most expensive, enabling the government to reduce the rates of postage, or largely to increase mail facilities to the interior of the country.

2. The mails on these routes will be conveyed more frequently, more rapidly and more safely.

3. It will incalculably diminish the expenses attending the means of public defence in peace and in war.

By enabling the government rapidly to concentrate the public force, it will render it unnecessary to keep up so great a standing army as might otherwise be required. With rail roads at the service of the government along the whole seabord, and on the principal routes, of interior communication, the effective power of our present army would be more than doubled.

By affording on those routes free transportation for officers, men, stores and other public property, it would lessen the expenses of the government in time of peace, and obviate one of the heaviest items of charge in time of war, thereby diminishing the necessity of taxation or loans, in a degree proportioned to the perils and efforts of the country.

4. It will incalculably increase the power of the country to defend itself in cases of invasion or insurrection. City can rush to the defence of city in a few hours, and states to the defence of states in a few days. Before a hostile fleet could approach and land its forces near one of our great maritime cities, the whole power of several of her sisters would be at hand to defend her. Before an attack could be planned and executed, the interior country would send down its thousands and tens of thousands by every rail road. Forts are useful in certain positions, but the surest defence of a country is an invincible array of armed men. To avoid invasion, we have but to have the means of concentrating at every important point for defence, a more formidable force than our enemy can bring to the assault.

As auxiliary to the public defence, therefore, this project deserves the most favorable consideration.

5. All the benefits of free roads will be secured to the government, at the cheapest possible rate, and without touching any of those constitutional questions, involved in a system of internal improvements by the general government. It will be a mere matter of contract. The original power of making contracts for the general government, invested in congress. That body has delegated to the heads of departments, the power to make contracts for limited periods, and has generally prohibited advances of money until the articles be delivered, or the service performed. But that body can make, or authorise to be made, unlimited contracts, and pay the whole consideration in advance. Whether they will do so, is a question of expediency only.

It is not proposed to advance money to any company, for the purpose of enabling them to make a road. The money is to be paid only when the road is completed, and the public service has commenced upon it. Sections of a road, however, may be contracted for, and the consideration paid separately. Thus, the road from Washington to Baltimore, is a part or branch of the Baltimore and Ohio rail road. The use of that section may be immediately contracted for, and the consideration paid; so of the section from Baltimore to Frederick, &c. Nor does it effect the principle, if the company avow that their purposes is to finish other sections of the road with the funds so procured. The government does not pay them for that purpose, but to obtain the free use of the sections already made. It matters not whether the company make other sections or other roads with those funds. The government will pay the consideration for the use of those other sections, or other roads, only when they may be completed.

Finally. This project, if adopted, will put at rest, forever, all questions as to the power of congress to make roads within the states, by receiving all the benefits of the power without exercising or usurping it. The government will have throughout the country, for its own purposes, *free rail roads*, at an expense immeasurably short of the cost of making them, without assuming any jurisdiction over the soil; without affecting any states right; without exercising a power in the least doubtful. Even in case the owners of the road fail to perform the contract service, it is not proposed to give to the government any power to keep the road in operation, or to exercise any authority over it, other than to sell it as they now do private property, for the payment of debts to the public.

It is, we think, no small recommendation of this project, that it promises to put an end forever, and that speedily, to the distracting questions as to the power of the government to make roads and canals within the states.

How delightful is the prospect presented in another aspect! Other governments are saddling posterity with debts which generations will be unable to extinguish. We propose so to apply our present abundance as to lessen the legitimate demands on posterity. We propose to pay in advance for the conveyance of their mails, the transportation of their public property and their armies—some of the heaviest items of expense in all their wars, and considerable charges upon them in times of peace. How beautiful the contrast with all other governments of the world, ancient or modern! It will be the first example—we hope it will not be the last.

Why then should not a liberal portion of the surplus revenue be devoted to this object? Give enough to the navy—enough to forts—enough to the preparation of the munitions of war—and we shall have enough left for this great purpose.

The vetoes of the president have temporarily checked the spirits of federal encroachments upon the roads of the states; this measure, if carried into effect, will extinguish it forever, crowning his hazardous exercise of power in defence of the constitution, with complete success, as lasting as it will be beneficial and glorious.

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LATER FROM FLORIDA.

We are indebted to our attentive correspondent of the Savannah Georgian; for a slip containing the following interesting information from gen. Gaines's army.

From the Georgian, extra, March 20.

FROM FLORIDA.

The steam packet Etiwan, captain Sassard, arrived yesterday afternoon from Jacksonville, brought us a slip from the offices of the Jacksonville *Courier*, which contains the following interesting intelligence from gen. *Gaines'* army. For the want of provisions, they have been obliged to retire to Fort Drane, where the gallant *Gaines* yielded the command to the no less gallant *Clinch*, and set out for the west.

We are of opinion that gen. *Gaines* has left the forces at Fort Drane, not because, as others think, the war is at an end, but because his orders compelled him so to do, and, as gen. *Clinch* is an experienced officer, he did not feel authorised to violate those orders, one of the first duties of the soldier being to render cheerful obedience to his superiors. Besides the brave *Scott*, entrusted with the chief command in Florida was, we presume, known to be approaching Fort Drane. What necessity, then, for *Gaines* to remain when such reasons urged his withdrawal.

We are more inclined to look upon the advances of *Oceola* as a deep stratagem laid by the wily savage, than any serious disposition for peace. His character, the character of his followers, as evinced on the blood stained fields of Florida, forbid the idea that the revengeful savage—the violator of treaties—the murderer of Charley Omathla—of the gray-headed Thompson—and the companion of the destroyers of *Dade* and his martyred associates, can, from any desire to spare the blood of our countrymen, pause in that career of carnage, to pursue which he has bathed his hands in innocent blood, trod upon the prostrate bodies of the noble and the brave, and nurtured, for a propitious moment wherein to gratify them, the revengeful feelings of the savage breast. We trust that no faith may henceforth be placed in the faith of *Oceola*. Unlike the sun in his noon-day brightness, he blesses neither his own nor people of other climes. Unlike the same brilliant luminary in his morning brightness, he throws no smile of promise over a favored world, but resembling him only when veiled by the clouds of heaven, or declining in blood beneath the western horizon, he throws to our acceptance a day of gloom or a night of sorrow. May it be the fortune of our gallant army to view him as the *setting sun*—but not increasing in his blood-stained color, as he sinks from their sight. But may his disk when viewed, be shorn of those bright rays which distinguish the sun even in his evening journey.

From the Jacksonville Courier, March 17.

GENERAL GAINES AND OCEOLA HAD AN INTERVIEW.

The news from the camp of gen. Gaines continues to be of great importance. In our last we stated gen. Clinch, with the Alachua militia, had joined him. We were then unable to state correctly the particulars. The following extract of a letter to the editor will show the force which accompanied the provisions.

"The force, which went to the relief of gen. Gaines under the command of gen. Clinch, consisting of four companies of

mounted volunteers from Alachua county, commanded by captains Williams, Carter, Hern and lieut. Dell, one company from Hamilton county, under capt. Martin, the Richmond blues, about seventy friendly Indians, and some regulars, in all about seven hundred men. Verbal reports state that the Indians are getting short of lead.

"With this force gen. Clinch went to the relief of gen. Gaines. The night before his arrival, Oceola sent a negro to the camp of gen. Gaines, requesting an interview, and promising to stop killing white men if he would stop killing Indians. This proposition was agreed to, and Oceola was told to come next day with a white flag, when they would have a talk with him. The next day, in company with another chief, he came to within about a hundred yards of the fort, waved his white flag around three times, and sat down upon a log. Three officers from the camp went to meet them.

"Oceola informed them that gen. Clinch was on his way to join them with a large number of horsemen. He expressed his willingness that hostilities cease, and to give up his arms. The officers required him to sign articles of agreement by which he bound himself to proceed immediately to Tampa Bay, and there embark for the Mississippi. Some say that Oceola objected to this mode of removing, and wished to go by land. Others that he would not promise to go at all, but wished to live on the other side of the Wythlacoochee and to have that for the boundary line between them and the whites. Their discussion was interrupted by the arrival of gen. Clinch. During the course of it, Oceola inquired how they were off for provisions. They told him they had a plenty. He said he knew they had not, and if they would come over the river, he would give them two beeves and a bottle of brandy.

"As gen. Clinch approached, the friendly Indians discovering the hostile Indians about three hundred yards from the camp of gen. Gaines, raised the whoop, which was immediately followed by one from the hostile Indians. The men immediately formed and fired a platoon. The Indians fled and were closely pursued. A runner then came from gen. Gaines ordering them to stop, and informing them that Oceola was treating with them. At first those in pursuit could not be restrained; but the cry of 'treaty,' 'treaty,' soon checked them. Gen. Clinch then formed and proceeded to camp."

The following extract of a letter, written after their arrival, contains some interesting particulars:—

Head quarters, Camp Izard, Florida,
On the Wythlacoochee, March 8, at night.

We arrived at this post on the evening of the 6th, and found gen. Gaines' army in a state of starvation, eating horses, dogs, &c. Less than a gill of corn was issued for a day's rations. We brought but a small quantity of provisions with us, and I believe there are but few men in camp who are not hungry at this time. We found plenty of fresh Indian signs two miles above this on the river, and some of us wanted to pursue it, but the general directed otherwise. When we came in sight of the camp, the spy guard reported Indians (500) in battle array. The war whoop commenced, and all who heard it expected, and, I believe, were prepared, ready and willing for it. I was at the head of captains Martin and Carter's companies, the left flank, when we discovered a considerable body of Indians on our left and gave them a fire; two only returned it, (and one of the balls struck near me), they instantly fled into the hammock; it is said we killed one and wounded two; to-day the spot has been visited, and a considerable quantity of hides, some rice, &c. were found, so I guess they left in a hurry. They have had gen. Gaines completely surrounded for several days previous to our arrival; they had fought him all the day before without much execution on either side.

Hearing the attack of gen. Clinch, the officers in conversation with Oceola advised him to retire into the hammock, while they went to the camp.

On reaching the camp, gen. Clinch found its inmates in great distress. They were literally in a state of starvation. They had killed and eaten several horses and dogs. One soldier having stolen a dog and killed it, sold one of the quarters for *five dollars*. For this act of stealing, killing or selling, or all together, he received a severe flogging. One man gave six dollars for a piece of horse's entrails about a foot long. Five dollars were given for a biscuit and the same for a quart of corn. We forbear to mention many other acts, showing what hunger will compel one to do, which are related of these patriotic men, thus surrounded and suffering in a savage wilderness. Yet there was perfect subordination, and every man was prompt in the discharge of his duty. The Alachua volunteers cheerfully distributed their biscuit and corn, reserving none for themselves. It was affecting to witness the greediness and thankfulness with which they received a whole or a half biscuit from their deliverers.

The evening of the day on which their interview was interrupted by the arrival of general Clinch, Oceola sent word to gen. Gaines, that if he would send away the horsemen, (Alachua militia), they would come and surrender their arms. We know not whether from suspicion or otherwise, the horsemen were not sent away. After waiting three days to hear more of Oceola, and not having provisions to remain longer, general Gaines returned to Fort Drane at which place Oceola was to have met him, Monday or Tuesday last. After reaching this fort, he transferred the command to gen. Clinch, and left for New Orleans by the way of Tallahassee. During some of the engagements, he received a wound; the ball, passing through his lip, knocked out two of his teeth, but its force being nearly spent, it did him no further injury.

This movement of Oceola in requesting an interview, when, gen. Gaines had been entirely surrounded by his followers for several days, is inexplicable, and seems to have taken all by surprise. Whether it was an artifice devised on learning of the approach of a reinforcement, to give time to make a safe retreat; or a stratagem by which, after introducing five hundred Indians within the breast work under the pretence of surrendering their arms, he intended to make an attack with his main force, and, taking advantage of the confusion, to massacre the whole before general Clinch could render them any assistance; or, as he says, he is really tired of murdering white men, general Clinch's arrival sooner than was anticipated, prevents us from determining, and time alone can now decide.

Though Oceola has conrage and cunning to plan and execute almost any bloody movement, we sincerely hope he has seen the hopelessness of further resistance, and that the Indians will now surrender their arms, and prepare to abide by the stipulations of the treaty for their removal. Should this be the case, gen. Gaines will receive a nation's thanks and a valiant general's fame.

To the manner in which he has conducted his part of the campaign, much credit is due. His alacrity in bringing to the theatre of action so large a force, his march from Tampa Bay, and the burial of the unfortunate major Dade and his companions, entitle him to the gratitude of the citizens of Florida, at whose cry of distress he so promptly came, and of the afflicted relatives and friends of the unfortunate men, whose bodies were strewed over the plain, and upon which the vultures were fattening.

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From the Savannah Georgian.

The following extract of a letter received in this city, in a great measure confirms the accounts published yesterday from the Jacksonville Courier.

Picolata, March 15, 1836.

An express from Fort Drane last evening, states that general Scott is there; that general Gaines had retired to Fort Drane, and left the command before Scott arrived—that whilst at the Wythlacoochee, Powell, Jumper and Abel were in camp suing for peace—that they were tired of fighting. Whilst negociating, general Clinch's detachment came up, and knowing nothing of what was going on, rushed upon the Indians who fled, and Powell and the rest hearing the alarm started like fury, but promised to return the next day—that on account of Clinch's men they were afraid to come into camp, but stood on the other side with a flag, and stated that they had sent to the governor, Micanopy, to know his ideas, and, as the old man has always been considered in reality favorable to removal, we are all in hopes that the war will soon be terminated.

They have removed their women and children about 40 miles from the late battle ground. Gen. Scott has had the offer of from 800 to 1,000 Creek Indians, which he had accepted. They are to be there in 20 days.

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A new war seems about to happen with the Indians of the south. The Tuscaloosa (Ala.) Flag of 12th inst. says: It is rumored that the Creek Indians design commencing hostilities very soon; and it is believed by the citizens of the counties where the Cherokees are settled, that the Ross party, which is opposed to a treaty without reservations, will unite with them, in case such a treaty should be made. A letter from Tuskegee, Cherokee county, to a gentleman in this place, says: an old Cherokee, friendly to the whites, told me the Creeks would begin war, when the trees budded out. They are, generally, well armed and amply supplied with ammunition.

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Montgomery, Ala. March 15.

On Wednesday and Thursday last, the village of Vernon on the Alabama river, exhibited quite a military appearance. All the companies except the one from Morgan county, had arrived at their place of rendezvous, and when we left that was hourly expected. Among them are some of the most respectable citizens of the state, and several members of our last legislature.

Through some cause unknown to either major general King, or Mr. Withers, the governor's private secretary, captain Harding of the United States army, failed to meet them at the appointed time, the consequence of which was, that upwards of 700 men as late as Friday were collected together, without provisions, arms, or any regular officer, to muster them into the service of the United States. They however, were not permitted to suffer for want of subsistence. The patriotic gentlemen of the neighborhood came promptly to their assistance and made a free will offering of the contents of their *corn cribs and smoke houses.*

We understand that his excellency governor Clay has most fully complied with the requisition of the commanding officer in Florida, and for fear that some irregularity might take place to the detriment of the soldiers, sent as many as three communications to Mount Vernon, addressed to captain Harding notifying that officer, of the time and place where the troops could be received. Had not governor Clay been taken sick on the road, it was his intention to have met the men, his countrymen, in arms and to have furnished them with all the aid that lay within his power.

Whether captain Harding has yet reached Vernon we known not. If he has, and brought with him the necessary equip-

ments for the campaign, the troops will soon proceed to our eastern frontier. If he has not come, there is a strong probability that upon the return of the express to the governor, they will be disbanded and permitted to go to their homes.

To say the least of the matter, it is truly unfortunate that there was no United States officer to take charge of the companies. To call 700 mounted men into service and make no arrangements to furnish them with "provisions, arms and ammunition," is no small circumstance. We trust that the matter will be sifted to the bottom; and that all the facts connected with the failure, will be speedily brought to light. The honor and high standing of the parties concerned, require that the explanation should be ample.

P. S. Since writing the above we learn that the troops have been dismissed and returned to their homes, and the expedition failed.

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Tallahasse, March 17.

We understand that there have been arrivals in town late this evening, from the seat of war in the east. We are enabled to furnish the following items of information which are now in possession of some of the citizens so far as we can ascertain, the facts disclosed may be confidently relied on. It appears that gen. Gaines has resigned the command of the detachment which he lately led so chivalrously against the common enemies of our territory, to gen. Clinch—who has moved back since towards Fort Drane, the present head quarters of gen. Scott. In his campaign against the Indians, he has had much to contend against. The amount of provisions obtained for his troops at Forts King and Drane proving insufficient, he was necessitated to take up the line of march back toward Tampa Bay, and on his route was attacked near the Wythlacoochee on the 27th ult. by a band of Seminoles, amounting, it is supposed, to from 12 to 1,500 men; losing in a half hour's battle one man killed and eight wounded. The 28th and 29th seem to have been marked by marchings, preparing defences, and in skirmishes, in which last lieutenant Izard received a mortal wound. He was afterwards buried near the Wythlacoochee. The breastworks, temporarily thrown up, were fired upon at intervals during the 2d, 3rd, 4th and 5th, inst. our troops at this time being reduced to great scarcity of provisions. On the 6th Powell or Oceola, Jumper, and several other chiefs, protected by a flag of truce, held a talk with some certain officers of the staff, charged for this purpose; to the effect that for themselves they wished for peace, but that as they only spoke for themselves, they wished a present cessation of hostilities, in order to consult their principal chief Mickanopy, who was then absent. They were suffered to depart, and in the morning following were not to be met with. Their loss, as far as ascertained, is about 30 men—that of the whites, 4 killed and 38 wounded.

We have just seen an order of gen. Scott authorising general Woodward and majors Watson and Flournoy, to receive into service for the Seminole campaign, 500 friendly Creek Indians. To this end the United States agents are required to co-operate with those officers.

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The "National Intelligencer" of Wednesday last says—

From *Florida*, authentic accounts were received, by the mail of yesterday evening, confirming the main facts, heretofore reported, of the return of the troops from Wythlacoochee to Fort Drane, and gen. *Gaines'* departure for New Orleans. There appears, however, to be no foundation for the rumor that the war is ended. On the contrary, every preparation was making, under the orders of gen. *Scott*, to carry it on with vigor.

Fort Drane, March 16. There is every reason to believe that Powell (Oceola) remains with his people in the same neighborhood. This is most fortunate for Scott's operations. On the 25th, Eustis with 1,700 men, would be at Pelaklekaha, on the road from Tampa to Fort King; and col. Lindsay had been expected to be at Chichuchaty, nearer to Tampa, with about 800 men. But there is too much reason to fear that the dispersion of the 700 troops from Alabama would embarrass this part of the arrangement. Gen. Scott could not, by the 16th, have heard of this unfortunate *contre-temps*. Clinch on the same day, (the 25th), would be back on the Wythlacoochee, with about 1,800 men. About 400 of Clinch's wing had been left by gen. Scott on the St. John's, but they would be up in time. Whilst Scott attacks them in front, on the one side, Eustis and Lindsay were to close in the rear—not only to aid in the engagement, but to prevent the escape to the south east. If the Indians remain in their present position, and every body believed that they would, the great stroke was expected to be given about the 28th (yesterday)—and some smaller bodies would then remain to be picked up. The delay till the 28th was to make it certain that Eustis and Lindsay were in position, and to enable Clinch to receive from Picolata and Gary's ferry the necessary subsistence. All the wagons had gone to those places. The army was in fine spirits, and Gaines's troops recovering fast from their recent sufferings. If gen. Scott should succeed in his operations, he expected to be at Tampa Bay by the 7th April.

How far the disappointment in receiving the Alabama volunteers will embarrass the operations of the campaign, it is impossible for us to determine. We have every confidence, however, in the genius and resources of gen. Scott.

The agreement made by gen. Gaines with the Indians with terms of which we are furnished by capt. Marks, is to the following effect—that the Indians and their chiefs should retire beyond the Wythlacoochee, and there remain peaceably until the wishes of the government are known—that commissioners would be sent them by the proper authorities to express those wishes, and that the chiefs should assemble at any time and place, when and where they should be required.

Oceola, Jumper, Albeti Hajo (Crazy Aligator) all Indians, with Abram principal adviser of Micanopy, and Cæsar, both Indian negroes, were present at the interview on the part of the Indians; and the officers who, at the request of general Gaines, were present, were captain Hitchcock, of 1st regiment infantry, captain Marks, of the Louisiana volunteers, and adjutant Barrow, of the same.

If the Indians do not comply with the terms of the treaty, it is gen. Scott's intention to make them do so, peaceably if they will, or forcibly, if necessary.

The general impression when these officers left Fort Drane was that the war was at an end. No hostile Indians have been seen by our army since gen. Gaines left the Wythlacoochee. Most of the friendly Indians with *Black Dirt*, their chief, have returned to Tampa, deeming their services no longer necessary.

We understand that in consequence of some misunderstanding between col. Twiggs and the commanding general, respecting brevet rank in the field, that col. Twiggs will forthwith repair to New Orleans and resume his duties as commandant of that station. [*Savannah Georgian.*

FROM TEXAS.

We have a copy of the Texas Register, published at San Felipe de Austin, of the 26th of February, containing the following:

TO THE PEOPLE OF TEXAS.

Council hall, San Felipe de Austin, Feb. 13, 1836.

War with its most terrific attendants and consequences is rolling its horrors upon us! The enemy with great force is within our borders; and Texas sleeping amidst surrounding dangers. The arch enemy of liberty—Santa Anna, prompted by vindictive fury, leads the onset—death, violation and extermination are determined against us. The following letters speak a language not to be misunderstood, and clearly show the alarming situation of the country and the necessity for prompt and efficient action. If we would save our country from the threatened destruction, our wives and daughters from the vilest pollution, and our families and ourselves from general massacre, FREEMEN OF TEXAS—*now is the hour!!—let no consideration prevent you from coming boldly forth* TO THE RESCUE! Our brethren from the United States are, by hundreds, in the field, leading the vanguard for our defence; and shall we look to others alone, for that protection from dangers so alarming? NO TEXIANS! *shoulder your rifles*, join our PATRIOTIC FRIENDS, and by one united and well-directed effort, teach the *tyrant of Mexico* and his hirelings, that *the sons* of the BRAVE PATRIOTS OF '76 *are invincible in the cause of* FREEDOM *and the* RIGHTS OF MAN.

D. C. BARRETT, *chair'n.*
J. D. CLEMENTS.
ALEX. THOMPSON.
G. A. PATILLO.
JOHN McMULLAN.
JOHN MALONE.
JOHN S. LANE.

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San Patricio, Feb. 6th, 1836.

DEAR SIR: Don Placido Benavides has just arrived, and brings disagreeable intelligence. Gonzales' command is entirely dispersed, and twenty-two men taken prisoners. Three hundred cavalry and three hundred infantry have arrived at Matamoras, which in addition to the garrison makes the effective force now there 1,000 men, and more are expected shortly. Cos and *all* his officers from Bejar are raising troops to march on Texas. One thousand men are already on the Rio Frio. One thousand more on the march to the Rio Grand, destined for some point of Texas; and forces are gathering rapidly in all directions for the same object. It is believed that an attack is intended on Goliad and Bejar simultaneously.

Roderigus has broken his parole since 5 o'clock this evening, and as I have but 18 effective men here and no horses, I could not pursue him.

The inhabitants of Tamaulipas are generally in favor of (1824), but are so much oppressed by the military, that many of the principal men having been arrested, they are completely fettered. Santa Anna caused a report to be set afloat that he was with the troops at Matamoras, but it is ascertained beyond all doubt that he is on the way to the Rio Grande for the purpose of pushing on those forces.

Don Placido deems it of the utmost importance that troops be sent to Bejar as well as others retained in this direction and also assures me that Santa Anna wishes to draw the troops of Texas out of Matamoras, in hopes to throw a strong force in their rear, while he makes his attack on the upper part of the colonies. This information he received from the first alcalde of Matamoras. He has been within 20 leagues of the town and corresponded with him.

The people of Tamaulipas as well as those of the Rio Grande complain much of Dimitt's proclamation, and would have acted with more decision were it not for that act, but they fear it is now almost impossible; but are still anxious for the cause. The cavalry are the choice troops from the interior, they are

armed, every one, with lance, musket, pistols and sword, and Santa Anna has sworn to TAKE TEXAS OR LOSE MEXICO.

Doctor Grant has been out two days with thirty men. I feel very anxious about him. I intended to have sent you more wagons to-morrow morning early, and in fact had the oxen yoked to start before day-light, but shall now await your further orders.

Cos is actually with Seizma and also Ugartchiers. They have 1,000 spare horses and a large number of pack mules.

It is with regret, but I am absolutely obliged to give doctor Hoit your horse to carry him with this. Yours most sincerely,

ROBERT MORRIS.

P. S. To raise funds and provisions, Cos causes each man to give an inventory of all he possesses with valuation of each article, on which he demands one per cent. every twenty days, he then sends two men to make the appraisement over, and if he finds that they make a return higher than the owners, he demands three per cent. in lieu of one; and each family has to furnish a fancga of corn also, every twenty days, and even causes the women to grind it, without respect to station. His soldiers have assassinated many of the most influential citizens, and the wives and daughters are prostituted—the whole country is given up to the troops to induce them forward. R. M.

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ADVANCE OF THE MEXICAN ARMY AND RE-CAPTURE OF SAN ANTONIO.

The New Orleans Bee of the 15th ultimo, states that it was currently reported that the town of San Antonio had fallen into the hands of Santa Anna and his army—about 4,000 in number. By forced marches, Santa Anna took the citizens by surprise; and they were obliged to surrender or fly into the garrison. There were about 200 in the fort, well prepared and furnished with provisions. When Santa Anna sent them orders for an immediate and unconditional surrender, they replied that he should first attest their strength; and that they were capable of holding out against any force of his, even if it contained 5,000 men.

There were 700 Texians encamped some miles distant. These immediately hastened to the camp, resolved to cut off the retreat and supplies of the invading army. San Antonio may therefore be the grave of Santa Anna; not only the triumph of Texas independence but of Mexican liberty.

A deplorable apathy has recently manifested itself in the Texian army, all were anxious not to be garrisoned in San Antonio; and hence perhaps the capture. The journals of San Felippe greatly complained of this spirit, and say that those who were determined to capture the town formerly, were solicitous to leave it to its present fate.

The Texian commissioners are beating up for recruits and loans in Kentucky and Tennessee. Cols. Archer and Wharton arrived in Louisville on the 3d inst. and col. Wm. H. Wharton, lately wrote ourselves an encouraging letter from Nashville.

***Since writing the above, we have been informed on creditable authority that our statement is correct in general. Col. Fravers is in command of the garrison at San Antonio; and is determined to act with rigor. But our informant states that the force gone to the relief of the town amounts to 1,200 men, well equipt, prepared and provided. He also believes that general Cos and not Santa Anna has surprised the town; and that the number of the besiegers is not greater than 1,000; who advanced stealthily by forced marches through unfrequented ways. The main body of the Mexican army—either from fear of the Texian rifles, or from disaffection to the cause of Santa Anna—did not and will not enter Texas. Cos has advanced to retrieve his character—but also to ruin it, as he passed his *parole d'honneur* not to fight against the Texians. He will now receive condign punishment; and find his grave where he lost his fame.

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From the New Orleans Bee.

Yesterday we reported the capture of San Antonio, as rumored; but we have not yet received any corroboration of that statement, although we believe it correct. To-day we are enabled to present an official account of the first skirmish between the Mexicans and Texians, published in the Mercurio or Matamoras, of the 7th inst. It was transmitted for publication to general F. V. Fernandez, by the writer general Urrea as sent to Santa Anna; and furnishes a ludicrous specimen of the Bombastes Furioso style:

Army of operations—division of Goliad. Sir, according to information received after my leaving Matamoras, I learnt that the insurgent forces stationed here had sent their cavalry towards Goliad, for the purpose of making incursions. I therefore made an effort; I vanquished all difficulties, and forcing a march during three days and nights, I arrived here at the dawn of day—not having with me more than 100 cavalry men. I attacked the enemy, who defended himself with firmness in the houses that served for barracks. But even there he left 16 dead; and 21 taken prisoners or wounded—among whom were some officers—There are 5 Mexicans among the prisoners. All the arms with 100 horses are in my possession.

I have the pleasure to inform you of this triumph obtained by the Mexican arms; and however feeble it may be, it will suffice to prove to our proud and scornful enemy what the valor and courage of Mexican soldiers can effect: for in short those with me rushed into the midst of the affray like lions; and in a moment they hewed the rebels in pieces, none of whom escaped from this city.

I have however to lament the death of a brave dragoon, who was slain; and also three other dragoons and a sergeant wounded.

I am now in search of doctor Grant, who (according to the information that I received) is now in the neighborhood of Mier, with 50 rifemen; and I know, not what number of Mexicans.

I shall hereafter give you a more detailed account of the affair, and conclude in assuring you that all the soldiers composing this division are fraught with enthusiasm; and burn to distinguish themselves in defence of the sacred rights of the nation.

I am, &c. JOSE URREA.

God and liberty! San Patricio, 27th Feb. 1836.

To his excel. the president, D. Antonio Lepez de Santa Anna, general in chief of the army of operations.

Another document dated 7th March, from San Patricio, gives an account of another victory in similar terms.

To col. *D. Jose M. Guerra.*

My very respectable chief,—yesterday at 3 p. m. we commenced an attack on the rebel columns, below the habitation of Agua dulce. The surprise occasioned them by our ambuscade was such that they did not preceive us till they were in our power. They fired a few pistol shots; but so very badly directed that they only wounded one horse. We charged them in the plain for the distance of two leagues and a half; and pursued them as if they were savage horses (mestanos). They forgot they carried muskets and pistols, with which they had learned to direct their fires. Thirty-two dead were found on the field of battle; and we took 4 prisoners. Among the slain were col. Grant, major-general Morris, a captain and a lieutenant of artillery. The fact is that our troops pursued them with poised lance which was sufficient to achieve all. I am .&c.

NICOLAS RODRIGUES.

From the same.

Important from Texas.—By the arrival of a vessel at New Orleans, in seven days from Matagorda, the New Orleans Bee has obtained the following particulars of the late seige by the Mexicans of San Antonio de Behar.

The besieging army was commanded by generals Sesma and Cos. It consisted of 40 companies of infantry, numbering at an average of 60 or 70 men each; and of about 1,500 cavalry under Folisalos—with 500 mules and baggage of all kinds. These were seen and numbered by captain Dermit of the Texian army, previous to the engagement. The Texians in the fort were infantry and some cavalry for foraging expeditions under the command of colonels Bowie and Travers—numbering about 200.

The assault on the fort of Alamo in the town of San Antonio commenced about 3 p. m. on the 28th of February, the Mexican army hoisting a black flag aloft as indicating no quarters. The garrison being well supplied with 18 pounders planted on the fort, made them ply with dreadful effect, sweeping companies of the assailants before the shot. The Mexicans surrounded the fort on all sides, but on all sides were they salnted with its artillery. This continued till 7 p. m. when the Mexicans thought proper to evacuate the town, and retire to an encampment within two miles—after leaving 500 of their comrades slain before the fort.

The provisional government of Texas being informed of the contest, an immediate draft of one-third of all Texians capable of bearing arms were ordered by the acting governor. But so eager were the Texians in general for their prompt and certain triumph, that when the order reached Matagorda, not one-third only but all able bodied citizens volunteered. Numerous companies were immediately on the march to San Antonio, to drive the Mexicans beyond Rio Grande, or leave them on the field of battle. They will act on the offensive in their future operations.

Docter Grant is not killed: he, colonel Johnson and another were saved. It appears that Grant and some 20 or 30 others had gone on a scouting party, and had approached too near the invading army. They were immediately attacked by a column of the enemy, and only three escaped—Grant among the number, exhausted and almost naked, as he was closely pursued by the Mexican cavalry.

The Mexicans have abandoned Copano, and fortified Labadie or Goliad, higher up. There are now 700 men stationed there, well prepared with artillery and ammunition, and disposed to play checkmate with the wing of the Mexican army, under general Urrea, lately encamped at San Patricio.

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From the Matamoras Mercurio of March 4th.

The president pro. tem. of the Mexican republic, has ordered the ports of Matagorda, la Baca, San Luis, Galveston, Brazoria, Harrisburg, Goliad, Anahuac, Copano, and all the intermediate ports on the coast of Texas from long. 94 50, to 101 W. of London, to be closed against all foreign commerce.

This law will be in force in 30 days after its promulgation in this city, for all foreign vessels in the Mexican waters, and 90 for those from foreign ports, and will continue in force till further disposition of the government.

Signed, TONNELL,

commandant general of Neuvo Leon and Tamaulipas.

—

Extract of a letter from a gentleman residing in Texas to his friend in New Orleans:—

"By the latest information, Santa Anna was upon the frontiers, with from 6 to 8,000 men, and was determined upon the

extermination, or expulsion of the whole population of Texas. In his first essay to effect this object, his vanguard commanded by Cos, made an assault upon the Alamo (the citadel) of Bexar, and was repulsed—accounts say, with the loss of 500 men; but if we make due allowances for exaggerations, the Mexican loss will probably turn out to be some fifty men.

"The contest will doubtless be bloody, and if the Texian army should be defeated on the frontiers, they will be compelled to retreat to the Colorado, as there is no line of defence to the west of that river, that can effectually be defended although they may make a temporary stand at the Guadaloupe, until the population in their rear can flee across the Colorado.

MAJOR DADE'S DETACHMENT.

The army under general Gaines, on its march from Tampa visited the scene of the massacre of the 28th of December, and buried the remains of major Dade and his ill-fated companions. The appearance of the battle field is represented as being melancholy beyond description. The victims lay just as they fell in that bloody contest. The officers and many of the soldiers were recognised. Major Dade lay between the head of the column and the advance guard. Captain Frazer was near him and was identified by the breastpin in his bosom. Lieutenant Mudge lay by a tree, two soldiers near him. He had a ring on his finger, and four gold pieces in his pocket and wore an officer's cap. Captain Gardener, lieutenants Bassinger, Henderson and Keias lay inside the breast work of logs which was thrown up after the first attack. Dr. Catlin was outside, and was identified by his stock. The breastwork appeared to have been enfiladed in every direction. Thousands of rifle balls were lodged in the INSIDE of the breastwork, and appeared to have been directed over the opposite side of the defences.

Major Dade's uniform coat was not found. With this exception, not one of these brave but unfortunate men, had been plundered. Silver, gold, jewelry and watches were untouched—nothing seems to have been taken but arms and ammunition. To what are we to ascribe conduct so singular? It was not the effect of hurry and fear of an attack by a stronger party, for they buried their own dead, as was ascertained, before leaving the field of battle. Was it forbearance, and magnanimity in the savages, or was it intended to show that it was blood alone they sought, and that in the game of life and death, they were playing, they had no use for such baubles! Oceola is a master spirit, and must have acquired a wonderful influence over the minds of his followers, to induce them to forego the opportunity of gaining possession of articles of which they are notoriously fond. Our men were struck with awe and astonishment at the circumstance, and we fear that many a tragic event must be recorded, before the close of this war with an enemy capable of such determination and such self control.

THE ABOLITION QUESTION.

We have perused with great, with unmingled satisfaction, the report and resolves of the joint committee of the legislature of this commonwealth, of which Mr. Lunt is chairman, on the important and all engrossing subject of abolition. A strain of manly and forcible eloquence runs through the whole of them, rendering them worthy of the times, and creditable alike to the committee, the legislature, and the commonwealth. We this day publish the resolutions, thinking the wider such sentiments are diffused, the sooner the great the unexampled excitement existing among our brethren of the south, will be allayed, and harmony restored. God grant that this may be the result.

This is no party question. On this momentous subject, let every feeling of this description be hushed—former animosities, if any exist, be forgotten—and let every man who loves his country, and hopes to see the blessed constitution under which we live perpetuated, vote for the acceptance of the report, and the passage of the resolutions, the latter of which we subjoin.

[*Boston paper.*

COMMONWEALTH OF MASSACHUSETTS.

In the year of our Lord one thousand eight hundred and thirty-six.

Whereas, the legislatures of our sister states of Virginia, North Carolina, South Carolina, Georgia and Alabama, have transmitted to the legislature of this commonwealth, certain memorials and resolutions, relating to the subject of domestic slavery within their limits; which state that the proceedings of certain persons, therein styled abolitionists, are dangerous to the public peace, are calculated to excite the slave to insurrection and revolt, and to render not only the property but the lives of our southern brethren insecure; and whereas, they call upon us by the most interesting and solemn motives, to aid them in arresting the progress of this evil; and whereas, in our opinion, the institution of domestic slavery is one in which, as it is settled by the constitution of these United States, we have no title to interfere, especially against the consent of those whose interests may be most dearly affected by such a course; and whereas, it is our highest political duty to endeavor to maintain the most friendly and intimate relations with all the states of this great and happy union, and to discountenance every thing which may tend to its disturbance and dissolution; therefore,

Be it resolved, by the senate and house of representatives, in general court assembled, and by the authority of the same, that this legislature, regarding the constitution of these United States as the most sacred and inestimable political inheritance which could have been transmitted to us by our ancestors, looks indignantly upon every thing calculated to impair its permanency; and that we deem it our high duty to maintain the union, which it secures, at every hazard, and by every sacrifice, not inconsistent with our known duties as men, citizens and Christians.

Resolved, *That this legislature distinctly disavows any right whatever in itself, or in the citizens of this commonwealth, to interfere in the institution of domestic slavery in the southern states;* it having existed therein before the establishment of the constitution; it having been recognised by that instrument; and it being strictly within their own keeping.

Resolved, That this legislature, regarding the agitation of the question of domestic slavery as having already interrupted the friendly relations which ought to exist between the several states of this union; and as tending permanently to injure, if not altogether to subvert, the principles of the union itself; and believing that the good expected by those who excite its discussion in the non-slaveholding states, is, under the circumstances of the case, altogether visionary, while the immediate and future evil is great and certain; does hereby express its entire disapprobation of the doctrines upon this subject avowed, and the general measures pursued by such as agitate the question; and does earnestly recommend to them carefully to abstain from all such discussion, and all such measures, as may tend to disturb and irritate the public mind.

Resolved, That this legislature entirely disapproves of all those tumultuous and riotous proceedings everywhere, which have arisen from the agitation of this question; and believing that the good citizens of this commonwealth entertain a sacred regard for the authority of the laws, and for the preservation of the public peace, this legislature earnestly recommends and demands that, by their influence and example, and by their quiet and peaceable demeanor, they will do all in their power to prevent the recurrence of such scenes; and it enjoins upon all magistrates and civil officers, the firm and faithful discharge of the duties entrusted to them, to maintain order and decorum, and to uphold the dignity of the commonwealth.

Resolved, That his excellency the governor be requested to transmit copies of this report and these resolves to the executive of each of those states which have addressed us upon the subject.

MR. STEVENSON'S APPOINTMENT.

We have already stated that the senate had confirmed the nomination of Mr. Stevenson as minister to England. It appears by the vote that greater opposition was made to his nomination than to any of the previous nominations at this session. In the absence of Mr. Leigh, Mr. Webster and Mr. Kent, all opposed to the nomination, there were still nineteen senators voting against it. The injunction of secrecy having been taken off from the vote, and the report of the committee on foreign relations; we publish the latter in our paper to-day, to show the grounds on which the minority are presumed to have voted.

In senate, March 3, 1836.

Mr. Clay, from the committee on foreign relations, submitted the following report:

The committee on foreign relations, to whom was referred the nomination of Andrew Stevenson, of Virginia, as minister plenipotentiary and envoy extraordinary to Great Britain, have, according to order, had the same under consideration, and now beg leave to report:

That, on the 30th May, 1834, Andrew Stevenson was nominated for the same office, and on the 24th of the succeeding month he was rejected by the senate; that Martin Van Buren, of New York, had been previously nominated for the same office, and on the 25th of January, 1832, had been rejected by the senate; that it remained vacant from this period until the nomination of Mr. Stevenson, and it has continued vacant from the time of his rejection. This office has, therefore, been unoccupied during a term of more than four years.

When Mr. Stevenson was first nominated, he was speaker of the house of representatives of the United States, which office he resigned on the —— day of June, 1834. Whilst that nomination was under consideration, it appeared to the senate that the secretary of state had, on the 15th day of March, 1833, addressed an official note to Mr. Stevenson, in which the secretary said: "I am directed by the president to inform you, confidentially, that as soon as advices shall be received that the British government consent to open negotiations with this, which are daily expected, it is his intention to offer you the place of minister plenipotentiary to the court of St. James; and he requests that, should this appointment be agreeable to you, you would hold yourself in readiness to embark in the course of the summer. I congratulate you, sir, on this mark of the president's confidence." This note was received by Mr. Stevenson; but, if he returned a direct answer, it did not appear to the senate.

Subsequent to the receipt of this note, in April, 1833, Mr. Stevenson was elected member of the house of representatives from the state of Virginia, took his seat at the commencement of the session of congress in the December following, was elected speaker of the house, and continued to discharge the duties of that office until he resigned it, as hereinbefore stated.

It appears further to the senate that, shortly after Mr. Stevenson received the note of the secretary of state before mentioned, he had an interview and consultation with Mr. Thomas Ritchie, his friend and neighbor, and the editor of a leading newspaper supporting the administration, published at Rich-

mond, in Virginia, on the subject of the contents of that note. In that interview, Mr. Ritchie, in a letter addressed to Mr. Stevenson, in June, 1834, says, it struck him that the president might appoint Mr. Stevenson, in case the contingency happened during the recess, and not send him, but Mr. Livingston, to France. "I suggested (says he) that these appointments ought not, and could not be made, according to the spirit of the constitution, during the recess of the senate. You (Mr. Stevenson) promptly and cordially concurred in this view of the subject, and I then determined to write to a friend in Washington, for the purpose of laying this view before the president himself. You *approved* of my doing so; and, in fact, we *agreed perfectly* in the course to be taken. *We* determined to take no notice of Mr. Livingston's letter, to act yourself as if no such letter had been written; that it would be best not to offer to accept the appointment if made in the summer, and to wait the action of the senate," &c.

In pursuance of the plan thus arranged between Mr. Stevenson and Mr. Ritchie, the latter, in March, 1833, addressed two letters to Mr. W. B. Lewis, at the city of Washington, who was the friend and enjoyed the confidence of the president, and held the office of auditor. Extracts of these letters were furnished by Mr. Lewis, and presented to the senate on the occasion of the first nomination of Mr. Stevenson. Mr. Ritchie says to Mr. Lewis: "I am about to address you on a subject that has caused much speculation among our friends, and great uneasiness in my bosom. I speak to you as a friend, and without the slightest reserve. The papers have recently spoke of a batch of appointments, which the president is about to make, embracing the two highest missions to European courts, and the two highest seats in his cabinet. I have conversed freely with our friend Stevenson upon them, and I have this day communicated to him my intention to write to you, and to lay before you my views of the matter.

"We have the utmost confidence in the virtue of gen. Jackson. We have no idea that he would arrogate to himself new powers, at the expense of the other departments of the government. His generous ambition has been fully satisfied! He has nothing more to ask of his country than a verdict of approbation when he lays down the high and difficult office with which he is intrusted! We all know it, and every candid individual admits it! We believe that the course he may pursue will be with a single eye to the public interest. But whilst we dismiss all apprehensions that he will designedly abuse his authority, we wish, at the same time, that he should do no act that may be plead, hereafter, by an unworthy successor, in justification of his acts. In this last term of his administration, we wish to see no precedent set, which may be perverted in future times: we desire it on our own account as well as that of our country. We wish to see his administration set in glory; and we wish to see our country benefitted, in all time to come, by his pure example. But this cannot be, if any error should be committed against principle, even from the best of motives; if any authority should be assumed which does not fairly belong to him, or even if any doubtful power should be exercised upon any delicate branch of the constitution; high popularity would only make it more current. One of the powers which attaches to the executive is that of appointment; over its exercise is accordingly thrown, and wisely thrown, the check of concurrence by the senate. Now, sir, doubts do exist whether the vacancy in the missions to London and Paris did not occur during the recess of the senate. Secondly, whether the vacancy does not still exist; and thirdly, whether it ought now to be filled without a consultation with the senate."

The letters from which these extracts were taken, having been written expressly with a view of being laid before the president, there can be no doubt that it was done. Their main object, that of preventing the appointment of Mr. Stevenson in the vacation of the senate, was secured. The president forbore to make it, and waited until the senate assembled at the ensuing session before the nomination was made.

It is stated by the president, in his message of the 13th June, 1834, communicating the note of the secretary of state to Mr. Stevenson, that the negotiations to which it refers were commenced early in April, 1833, in the city of Washington, instead of London, and as they have been since conducted here, no further communication was made to Mr. Stevenson. What these negotiations were has not been stated. Whatever they might have been, the residence of a minister of the U. States at London, at all times, is obviously proper; and that the appointment of Mr. Stevenson did not depend upon any particular negotiations, is manifest from the fact of his having been finally nominated to the office. If the president had abandoned all intention of sending him to England, inasmuch as he had been requested to hold himself in readiness to go, during the summer of 1833, and had not declined the offer, he would probably have been notified of the change in the views of the president.

The senate saw, therefore, that a promise of the mission to Great Britain had been communicated to Mr. Stevenson on the 5th March, 1833. They saw an indirect intervention, with Mr. Stevenson's knowledge and acquiescence, to prevail on the president not to make the appointment in the vacation of the senate, in accommodation to the views of Mr. Stevenson and his friend Mr. Ritchie. They saw that the president did forbear to make the appointment in the vacation of the senate. And they saw the final execution of the promise, as far as it depended upon the executive, by his nomination on the 30th May, 1834. During this long interval, he had been elected by the people of a congressional district in Virginia as their representative, ignorant of his having possession of such an official promise; he had been elected, under like ignorance, by the house of representatives, as their speaker; and, in that station, had performed all the highly important duties incident to it. That office, at all times one of great influence, possessed more than ordinary weight in the session of 1833-4. The president, sometime before its commencement, had directed the public deposites to be withdrawn from the bank of the United States, and placed in the local banks. That measure excited deep and general sensation throughout the country; divided the people; divided the constitutional advisers of the president; divided congress, and became a subject of warm and animated discussion in both houses. It was at this extraordinary period, that the speaker of the house of representatives, invested with the power of appointing and arranging the committees of the house, and wielding a great influence, secretly held a written official promise of the most important mission abroad, every body being ignorant of the fact except himself, the president, the secretary of state, and a few confidential friends.

It was under these circumstances that his nomination came up for consideration in the senate. It is a fundamental principle of free governments that, in order to preserve the purity of their administration, each of the three departments into which, according to all safe maxims, they are divided, should be kept independent of and without influence of the others. But, if the head of one of those departments may, at a critical period, confidentially present, and for a long period of time hold up to the presiding officer of the popular branch of another, the powerful inducement of a splendid foreign mission, is there not imminent danger of undue subserviency? of a failure of that presiding officer faithfully and independently to discharge the high duties of his exalted station.

The senate thought there was, and withheld its advice and consent to the nomination of Mr. Stevenson as minister to Great Britain. And now, after a lapse of near two years, with all the circumstances by which his original nomination was attended remaining in full force, but with considerable individual variations in the composition of the senate, the same individual is again nominated by the president for the same office. Doubtless a place, more than any other foreign appointment, important to be constantly occupied, has not been kept vacant with a view to, or in expectation of, any such variations. Doubtless, in the ample field for selection which the intelligence and patriotism of near fifteen millions of people offer, some individual equally well qualified with, and less exceptionable than Mr. Stevenson, might be designated to represent the United States at the court of St. James. Doubtless no personal feelings or wishes to achieve a triumph over the senate, can have prompted the renewal of this nomination.

Whatever may have been its motives, the committee neither know nor have any thing to do with them. They are not themselves aware of any peculiar fitness in Mr. Stevenson, or any absolute necessity of deputing him, and only him, as the minister of the United States to Great Britain. In ordinary times, the fact of his being unacceptable to a large portion of the senate, even if that did not constitute an actual majority, would be regarded as deserving of consideration. In a free government it should be the aim of those who administer it to promote harmony in the public counsels, and satisfaction among the people.

The senate of the United States is supposed, by the theory of the constitution, to be as free and independent in the exercise of its judgment on nominations, submitted to its consideration, as the president is in proposing them. Each of the two components of the appointing power acts upon its own sense of duty, and upon its own responsibility. The senate has no right to require the president to nominate any particular individual, and the president has no right to require the senate to confirm any particular nomination. When the senate has once decided upon a nomination, there ought to be an end of the matter.

Prior to the present administration, instances of renomination were rare, and are believed to have occurred only when some indication was given from the senate of a desire that it should take place. It has of late become much more frequent. The practice is liable to great abuses. A president disposed to advance favorites to public offices, and finding a senate disagreeing with him as to their fitness, may forbear for a long time, to the detriment of the public service, to nominate any person to fill them, until from those changes, of individual members to which all collective bodies are liable, a senate happens to be found more yielding and complying. When a nomination is *once* rejected, the exact state of the votes of the senate is known to the president; and if the practice of renomination is indulged, in process of time there will be danger of the existence or the imputation of corruption. The committee think that the practice ought to be resisted; that, when the senate has once rejected an individual nomination, the decision ought to be held as final and conclusive; and that it ought not to confirm the nomination of the same person when again made for the same without strong special cause. In the present case, such cause is not alleged or known to exist; whilst all the considerations which formerly opposed the confirmation of Mr. Stevenson continue in unabated strength. The committee, therefore, recommend the adoption of the following resolution:

Resolved, That the senate do not advise and consent to the appointment of Andrew Stevenson as minister plenipotentiary and envoy extraordinary to Great Britain.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

☞An *extra* half sheet accompanies the present—and yet as much matter for insertion remains as there was before!—the most of which is very interesting for *record.*

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The undersigned, for a long time past, has been without an assistant in his editorial business; and forced to give a daily, and almost hourly, attention to the duties that belong to the patrons of this old and much favored establishment; and oftentimes under the most irksome or painful circumstances: for, "*he is not so young as he was,*" and an injury received in October last, incapacitates him, except in a small and very laborious degree, for his formerly favorite occupation—*writing;* and also of the facility of handling and overhauling papers, as heretofore. And thus, as the means are diminished, the amount of patience and employment to perform is increased—to the manifest injury of his health, through the want of wholesome exercise and needful relaxation. Indeed, it would seem that almost all the business of his place depended upon "*force-work.*" As an instance, he has been compelled to give up his numerous and important, endeared and honored private correspondents; not being oftentimes able to write in a manner that is comprehensible to any one, imperfectly acquainted with the character of his letters or signs, *uncertainly* and confusedly drawn by him, to express ideas.

It will be recollected, by some, that attending the fair of the AMERICAN INSTITUTE, at New York, about four months ago, he had the great misfortune, when in the act of descending from an "Omnibus," to fall in the street, (as has happened to hundreds of others),* in consequence of a sudden starting of the horses at the rate of nine or ten miles an hour, and at the moment when he was in the act of stepping on the pavement—which consequently and necessarily threw him on his back; and, in putting out his hand to save himself, the two bones of his lower left arm, were broken short off, and the muscles severely strained, or, possibly, also broken. The bones healed speedily—say in about three weeks, but the muscles remain nearly as they were—though much has been attempted to *improve* them: but the "misery" does not stop here—the pain, soreness and stiffness that belongs to the left arm, by the "power of sympathy," or some unknown cause, (and especially in damp weather), extends also to the right, and renders that nearly as incompetent to its accustomed employments as is the left. It may be sufficient to say, that, since the accident, he has been unable either to dress or undress himself, or to cut up his meat at the table. It is impossible for him to perform these "operations" though he hopes that the injury received has been, in some small degree, abated.†

Under such circumstances, the undersigned desires to obtain an assistant—a gentleman of respectable talent, indefatigable industry and application, courteous deportment, and a willingness to perform all things belonging to the place—of undoubted integrity, sobriety, &c. and qualified, by his means or credit, speedily to take a permanent interest, such as may be agreed upon, in this old, but still prosperous establishment—all the circumstances of which will be candidly stated, or may be ascertained by *personal* observation or inspection—which latter, probably, will be the best. It will afford a decent income, and may be increased. It is unnecessary to say more, except that the qualifications set forth are indispensible. The opportunity for such a person to put himself into a reasonably profitable, and highly respectable situation, rarely occurs. A literary fop, or *catcher of words,* is not desired; but a modicum of *common sense* with a due application of it, is required by the generally sober and sedate readers of the Register. Address

H. NILES, *Baltimore, Md.*

*As an evidence of this, the editor, on his return home, met, in the steamboat, no less than *four* other persons, (strangers to him), who had received serious injuries from the recklessness of the "Omnibus" drivers—how many more there were among the passengers, he knows not; but probably a dozen that had been thrown down, or "*spilt*" in the street, as one of them said.

†This is rather an "illiad of woes"—but he thinks it right to speak of "things as they are."

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The Susquehannah canal bill has passed both branches of the legislature of Maryland, and is now a law.

This is to be very important to the future trade of Baltimore.

—

We learn from Richmond, under date of April 2, that the resignation of governor *Tazewell* has actually taken place, and the executive duties are now performed by lieut. gov. *Robertson.* Governor T. has left this city for his residence in Norfolk.

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The bill which has been for some time before the legislature of Massachusetts, proposing to create a bank with a capital of ten millions, was indefinitely postponed on Thursday last week, by a vote of 261 to 89.

—

It is said that schemes for rail roads are before the British parliament, involving an expenditure of upwards of two hundred millions of dollars.

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A law has passed the legislature of Pennsylvania indemnifying Mr. Robb for injury done to his property, in Moyamensing, during the election riots in 1834.

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When the public arsenal at Frankfort, Ky. blew up and all its arms supposed to be destroyed, it was found, on digging among the rubbish, that a brass field piece had remained uninjured. The history of this piece is interesting. It was in the first place, captured from Burgoyne at Saratoga, afterwards surrendered to the British by gen. Hull—retaken by the army under gen. Harrison, at the battle of the Thames, presented by congress to gov. Shelby, and by him to the state of Kentucky.

—

Land is selling at Dunkirk, about 30 miles west of Buffalo, on Lake Erie, at $4,000 an acre for lots only half a mile out of the town. Dunkirk has one of the finest harbors on the lake, and is just within the line dividing New York from Pennsylvania.

—

Captain J. B. Nicholson, a distinguished officer of the U. S. navy, has presented to the corporation of Richmond, his native city, portraits of Columbus and Americus Vespucius, copied from original paintings at Naples.

—

Such is the anxiety to increase the culture of silk in New England, that the seed of the white mulberry sells at $7 50 per lb. Some persons who were sagacious enough last summer to foresee this, will realize no mean fortunes.

—

We are gratified to observe, says the New Jersey State Gazette, an increasing attention to the culture of silk. Five companies were incorporated by our legislature to prosecute this business, one of which is located in Trenton.

—

There are 28 banks at *Boston,* with an aggregate capital of $18,150,000; on which an average dividend, was made, for the last six months, of rather less than 3 per cent—in all 543,000 dollars.

—

The New Orleans papers state that *J. B. Perrault,* esq. has been appointed cashier of the citizens bank of New Orleans, with a salary of *ten thousand dollars per annum,* a house to reside in, *et cetera.*

The *surplus revenue* has increased, is increasing, and must be diminished. The amount of public moneys in the deposite banks, by the returns to (or nearest to) the 1st of March, had increased to *thirty-three million and seven hundred and fifty thousand dollars!*

☞See the table, next page.

A meeting was held in Philadelphia on Thursday week, on the subject of the "system of gambling in stocks," now extensively practised in that city. One of the resolutions passed sets forth that the tendency of the practice is to affect, injuriously, commerce and general business, by causing frequent and serious agitations in the money market, and to blunt the moral feeling of young men, who are looked to as the future hope of commercial and manufacturing enterprise. A committee was appointed to recommend such remedies at a future meeting as would correct the evils.

The governor of *Pennsylvania* is in the full tide of "reformation." "Few die and none resign."

It is stated in the *Newburg Gazette*, that hundreds of cattle are dying in Orange county, New York, from the want of food and the unexampled severity of the winter and spring. It is estimated that one-tenth of all the cattle and sheep of Orange county, had perished previous to the deep snow of Tuesday, which must greatly increase the distress of the farmers. The average depth of snow and ice is now stated [say 10 days ago], to be about three feet over the whole county, and there can be no prospect of any grazing until May. In the mean time, the stock of hay and grain has been distributed until few farmers have retained sufficient to last until the middle of April.

James Buchanan, esq. his Britanic majesty's consul at New York, has presented to the United States naval lyceum, in that city, a full length portrait of his majesty, king William the fourth.

Five hundred thousand dollars worth of *whips* are annually made in the town of Westfield, Massachusetts. Many persons are employed—especially females, in weaving and plaiting.

A screw manufacturing company has been formed at Schenectady, which it is expected, will turn off *five hundred gross per day* of wood screws of all sizes, from a half an inch to three inches.

The nomination of *Upton S. Heath*, to be U. States judge for the district of Maryland, to supply the vacancy occasioned by the resignation of *judge Glenn*, was, on Monday last, confirmed by the senate of the U. States.

APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.

Jesse L. Holman, to be judge for the district of Indiana.

James P. Grundy, to be attorney for the western district of Tennessee.

John Wells, jr. Robert Getty, Nathaniel Luffborough, C. H. W. Warton and John Holtzman, to be justices of the peace for Washington county, in the District of Columbia; and

Jonathan Shillaber, George W. P. Custis, George W. Wise, George Brent, William C. Gardner, Robert Brocket, and Tench Ringgold, to be justices of the peace for Alexahdria county, in said district.

A French paper calls attention to the fact that in the month of August next, the city of Rome will number 2,584 years since its foundation, *ab urbe condita.*

The Mobile Register says—

Accounts from New Orleans represent the money market in that city as somewhat embarrassed. From the collision between Mexico and Texas, the usual receipts of specie from Mexico have been diminished the present season, several millions of dollars; and the demand for specie in New Orleans has occasioned a reduction in bank facilities, and brought down exchange on New York to 2½ per cent. discount for the best sixty days bills. Constant and heavy drafts made on the banks for specie have rendered it necessary for them to take this course, and in the exercise of a prudent discretion, to place themselves in a condition to meet any emergency. The effect of it is to be seen in a check to business operations generally.

There are causes of another character that have contributed to this embarrassment. The high prices of produce in Havana, coupled with the abundance of the crops of the Island of Cuba, have changed the usual balance of trade, and the amount drawn and to be drawn, against shipments to countries requiring their sugars, coffee, &c. is largely increased. That to the United States is particularly so, owing to the great deficiency in the sugar crop of Louisiana, which has rendered large importations of that article indispensable. The consequence has been that exchange on the United States, hitherto ranging from 1 to 3 per cent. discount, has now fallen to 8 and 9. Formerly, sterling bills bore a higher premium in Havana than in the United States,—now they are quoted at 4 per centum there, while in this country the command 9 per centum readily. Under these circumstances remittances cannot be made to Havana in bills without inevitable loss, and they are consequently made in specie,—Hence another cause for large drafts of coin on New Orleans.

The sensitiveness of the money market is well understood by merchants. Touched at an important point, it is instantly felt through all the ramifications of trade. Mobile is intimately connected in business with New Orleans, and whatever causes affect the moneyed interests there, are certain of their operation here. Independently of those considerations, it is known that large drafts of specie have been made upon the banks in this city, for objects unconnected with regular business, and we regret to add that they are continued from day to day.

Hudson tunnel. Our readers are aware that a project is on foot for constructing a tunnel under the Hudson river at Albany, where it is more than half a mile wide. The Albany Advertiser says—"this project is no jest. It is believed the stock will be immediately taken up, and that the work can be done for about $300,000.

According to a table furnished to the New York Transcript by Mr. Sickels, the city inspector, the number of buildings erected in that city in 1834 was 877, and in the following year 1,259, showing an increase in a single year of 382. In a single ward, the 12th, 274 buildings were put up in 1835. In the same year twelve new churches were built.

The officers of the marine corps have presented col. Archibald Henderson, the commandant, with a splendid sword-cane, made from a piece of the original timber of the old Cyane, which has recently been broken up at Philadelphia. It appears that the colonel commanded the main guard on board the frigate Constitution, with the gallant Stewart, when he captured the Cyane and Levant.

On the 2d instant, the Hudson was opened to navigation only so far as West Point. It was thought that Newburg would be reached by steamboats on Monday the 4th.

The New York Journal of Commerce states that a new steamboat, of great length and power, has been put upon the line between that city and New Haven. She made an experimental trip, and accomplished the distance (usually stated at 84 miles by water), *in four hours and a half*, or at the rate of about eighteen miles per hour.

The Pennsylvania canal is filled with water on the main line from Columbia to Pittsburgh, and burthen and passenger boats are now running on it. The canal business is opening with unusual activity and bustle.

Auction sales of real estate were made in New Orleans about a fortnight ago, to the amount of $322,000 in two days. The principal purchaser was Mr. Achille Murat, on account of Joseph Bonaparte.

The militia of the United States amounts to about one million and a half of men, of which Pennsylvania and New York have 200,000, Ohio 130,000, and Virginia 100,000.

A Washington letter writer states that all the signatures to the abolition memorials presented to congress at its present session, do not exceed 27,000, and that of

these, nearly 10,000 are females, and perhaps 2,000 or 3,000 are boys.

Mehemet Ali, the civilizer of Egypt and conqueror of the Arabs, is evidently backed by Russia. He derives 35 millions of francs tribute annually from the oppressed Syrians, over whom his son Ibrahim holds a rod of iron.

The steamboat "*Old Dominion*" arrived at Baltimore, from Norfolk, with specie for *Nicholas Biddle*—said to be 500,000 dollars.

The assembly of Upper Canada have appropriated $200,000 for the improvement of the roads in that province.

Naval force in the Mediterranean. The Russians have 6 ships of the line in the Levant, the Turks 8, the Egyptians 9, and the English 10.

PENNSYLVANIA. The legislature of this state closed its annual session on Friday last. The Harrisburgh Intelligencer says:

"There has not been, for many years, a legislature which has done so much for the commonwealth. They found the state under a system of taxation, her public works unfinished, her treasury empty; and absolute necessity, if some new course was not adopted, of increasing the public debt, of continuing and increasing the taxes, or stopping the completion of the public works. What has been done? Let this question be asked by every Pennsylvanian, and he will find an answer in the repeal of the tax laws—in the progress of the public works without an increase of the public debt, and a full treasury. Is this not worthy of commendation? Let the same policy be continued, and we shall soon have our improvements completed—the trade of the west secured to Pennsylvania—a sinking fund established for the extinction of the public debt, and a tide of prosperity rolling into our commonwealth which will make her the pride and glory of the republic."

Extract of a letter from captain Barr, of the Louisiana volunteers to, the editor of the New Orleans Bulletin, dated Fort Brooke, Tampa Bay, February 17th:

"On the morning after our arrival an Indian prisoner was killed in an attempt to escape; he was taken in a manner which might grace even the romantic days of chivalry. A fine noble looking Indian, asked in marriage the daughter of Black Dirt, a friendly chieftain; the old man declared that none but a warrior need pretend to his daughter, and desired young Yellow Hair, if he wished to prove himself one, to go into the woods and make prisoners of three hostile Seminoles. Yellow Hair accordingly brought in three of the enemy; whether he surrounded them, (as the Irishman did), or not, I do not pretend to say, but two of the prisoners are now chained in the fort, and the other was killed in the manner I mentioned. Yellow Hair of course married his black haired damsel, and set out on the 13th, at the head of a party of his countrymen, to act as a scout to the main army, who have marched in quest of the enemy."

The receipts and expenditures of *Massachusetts* are stated as follows:

The revenue of the commonwealth of *Massachusetts*, for the year 1835, was derived from the following sources—

Bank tax,	$305,000
Auction tax,	55,000
Principal and interest for eastern lands,	45,000
Interest on deposites city bank	3,000
Cash on hand January 1st, 1836	73,501 71
	$481,501 71

The expenditures of the government for the same year were $538,661 43, of which $120,000 went to pay the members of the multitudinous legislature. The bank tax may seem a very cheap way of raising revenue, but it may possibly turn out in reality to be very dear.

The estimate of the expenditure of the commonwealth for the present year is $538,661. The pay of the legislature is $120,000. Salary officers $67,000. For malitia services $30,000. Pensions and gratuities to old soldiers $6,000. The deaf and dumb $5,500. The blind $6,000. Lunatic hospital $18,000. Agricultural societies $4,500. American institute of instruction $300. Boston society of natural history $300. Bounty for the reeling of silk and destruction of wild cats, &c. $18,000.

The revenue is derived from the bank tax, $305,000. Auction tax, $55,000. Notes for eastern lands, falling due, $45,000. Interests on deposites in City bank, 3,000. Cash in treasury January 1st, $73,700.

NEW YORK, MARCH 30. *The last of the ruins.* The massy walls of the late exchange building have been under the process of demolition for a few days past. Yesterday afternoon, by means of iron cables, the marble front, which had hitherto stood a prince over the ruins, and one of the most beautiful and interesting objects which any country has exhibited among the ravages of time or the elements, was levelled to the ground, with a tremendous crash, which brought vividly to mind the scenes of the night of 16th December, when hundreds of walls, by the mere agency of fire, tumbled to the earth in a similar manner. All the marble columns in front were broken by the fall. They were, however, of little value, large slabs having been sealed off from them by the heat of the conflagration.

NAVAL. The U. S. sloop of war St. Louis sailed on Monday last for the Balize. It is intended to carry her up to New Orleans. Some of the newspapers of that city gave out, a short time ago, that there was to be found on the bar, at the entrance into the Mississippi, only eleven feet of water. We had supposed the depth to be thirteen feet. The St. Louis, it is said draws fifteen feet. [*Pensacola Gazette.*

PROMPT DESPATCH. Under this head the editors of the Norfolk Beacon mention that they despatched a letter to Baltimore on the afternoon of the 27th, for certain articles wanted in their establishment, and received those articles before breakfast on the morning of the 29th. "This (adds the Beacon) was the result of no particular despatch, but the ordinary course of things. Baltimore is but a stone's throw from Norfolk."

BEET-ROOT SUGAR. Several gentlemen have associated for the purpose of cultivating the beet, and introducing the manufacture of the beet root sugar. They have sent a person to France for the purpose of obtaining information in relation to the manufacture. [*Boston Daily Adv.*

MASSACHUSETTS. The proposition to incorporate a new bank, with a large capital, (five millions of dollars), has, after much consideration, been negatived in the legislature of this state.—It might have been passed by a bare majority; but, upon finding that the vote, in the house of representatives, upon a vital question concerning the bill, was as close as 242 to 241, Mr. *Lawrence*, of Boston, rose, and said his only object in supporting the bill was the public good, and he was not willing to push it through with a bare majority of *one*, but would prefer to leave the whole subject open to the deliberation of the people, and for that purpose he would move the indefinite postponement of the bill. In his course he was sustained by a number of the friends of the bill, and the indefinite postponement was carried by 261 votes against 89.

THE DEPOSITE BANKS.

Recapitulation of the condition of the deposite banks, according to the returns received at the treasury department dated nearest to the 1st of March, 1836.

LIABILITIES.

Capital	$43,193,930 27
Treasurer of the United States	30,810,640 03
Public officers	2,945,945 56
Due to banks	16,029,566 35
Contingent fund	950,101 78
Profit and loss, discount and interest	3,436,511 08
Circulation	27,300,098 92
Private deposites	15,913,819 10
Other liabilities	6,375,596 98
	$146,956,210 07

MEANS TO MEET THEM.

Loans and discounts	$64,031,005 22
Domestic exchange	30,323,686 62
Real estate	1,872,016 73
Due from banks	16,138,395 28
Notes of other banks	10,876,586 07
Specie	11,067,718 58
Foreign exchange	89,468 08
Expenses	138,573 52
Other investments	12,427,759 97
	$146,956,210 07

CONNECTICUT ELECTION. This election took place on Monday last, and the *Journal of Commerce* says—

By the steamboat Splendid, captain *Stone*, from New Haven, we have a slip from the office of the Columbian Register, (Jackson paper) of that city, dated 9 o'clock last evening, which gives returns from 48 towns out of 132 in the state. To these we have added two others. The result is 7,091 votes for Tomlinson, the whig candidate for governor, and 8,447 for Edwards (Jackson) the present incumbent. This is a Jackson gain as compared with last year, and makes it probable that the state has gone in that direction by an increased majority. Forty-nine towns have elected 28 whig representatives to the legislature, and 48 Jackson. William W. Ellsworth (whig) is elected to the senate from the 1st district, comprising Hartford and vicinity,

where last year the Jackson candidate succeeded. On the contrary, a Jackson senator is elected, in the 15th district, comprising Litchfield and vicinity, which was last year represented by a whig. The Jackson men are anxious to secure two-thirds of the legislature, that they may be able to effect certain changes in the constitution. There are also two senators to congress to be elected by this legislature,—one to supply the vacancy occasioned by the death of Nathan Smith, now temporarily filled by judge Niles, and the other to supply the place of Gideon Tomlinson, whose term of service expires on the 4th of March next.

Humiliating apology. A young man in Bradford, in this state, lately sent a letter to the editor of the Essex Banner, inclosing an advertisement, purporting to come from a young lady of Bradford, who was anxious to enter the estate of matrimony. Some pitiable feeling towards the young woman inducted the letter; but the sequel must have been like vinegar to the author of it. He was ferreted out, and obliged, by the friends of the lady, to make a public confession in the following lowly manner. He gives himself a beautiful character:

"Whereas an unauthorised, false and malicious advertisement, purporting to be subscribed by Hannah Hull, was inserted in the Essex Banner of last week, I, Nathaniel Holmes, jun. of Bradford, hereby confess that I was the author of it, and that I have thereby wronged Miss Hull most cruelly, and without the least provocation or reason. I therefore penitently ask her pardon, and also take this method of informing the public, that there has never been any impropriety of any kind on her part, which could justify said advertisement, but on the contrary, that her conversation and conduct have been at all times correct, virtuous and inoffensive, and that in causing said advertisement to be sent to Mr. Farnsworth, through the post office, in a letter, inclosing two dollars for its insertion, I was actuated by a blind infatuation, *and a reckless disregard for principle, honor and humanity.* I therefore beg leave to express my sorrow for my barbarous insult upon Miss Hull, and to solicit her, and Mr. Farnsworth, the editor of the Essex Banner, and the public generally to forgive me. NATHANIEL HOLMES, JR."

Bradford, March 9th, 1836.

INCREASE OF THE ARMY. General Macomb has submitted to the senate, in obedience to a resolution of that body, a plan for the increase of the army to ten thousand men, without adding to the number of officers. The opinion seems to be unanimous among men of all parties, that our present force is entirely inadequate to the public defence. Had it been in the power of the general government to send a full and efficient force to Florida on the first breaking out of hostilities, that war would ere this time have been over, and a heavy loss of lives and property would have been saved. Our immense frontier is but half protected. General Macomb proposes that there shall be eight regiments of artillery, each comprising five companies of 100 men; nine regiments of infantry, each comprising eight companies of 72 men; and one regiment of dragoons comprising 715. The aggregate, including the non-commissioned staff, will be 9,955 men. [*Pennsylvanian.*

INDICTMENT FOR CONSPIRACY. The grand jury of Philadelphia on Friday last week, presented an indictment against sundry journeymen tailors for a conspiracy. It contains four counts, charging the defendants with having formed themselves into an unlawful club or combination, and adopted certain arbitrary by-laws, rules or regulations injurious to trade and commerce, and unjust and oppressive towards employers and journeymen who are not members of the society. Among these rules are the following, in substance, viz: That no member of the society should work for any employer, who employed a man that was not a member of the society. That no member should work for an employer who employed a man at a less price than that established by the society. That no member should work for any employer who refused to keep a slate to be hung up in a public part of his store, upon which should be entered the name of every journeyman taking a job from the store, and that no journeyman should take a job out of his turn. Also that during the time of a strike, a certain number should be selected from the members each day, to watch the shops; and that any one selected, on refusing to watch, should be fined five dollars.

The Yankees outdone. The Georgia Constitutionalist, a daily paper printed at Augusta, Georgia, states, that in the subscription to the stock of a certain corporation, six persons continued to subscribe for about a thousand shares, although by law only twenty shares could be subscribed by each individual. Their plan of operations was this—each individual subscribed for his twenty shares—then, by conjunction of their six names as firms of two and three partners each, and transposing the names a sufficient number of times, they formed *forty-eight* firms and subscribed in the names of these firms to four hundred thousand dollars worth of stock. The commissioners for distributing the stock objected to taking the subscriptions, but the gentlemen insisted, and being all lawyers, took out a precept from court to compel the commissioners to accede to their demands. The judge, before whom the case was examined, decided that—notwithstanding a regular copartnership of each firm was proved, and the articles exhibited to him—there was an evident evasion of the law in the case, and the six individuals could only take the twenty shares each, as stated in the act of incorporation.

This is equal to the best story ever related of a Yankee, although its birth-place was Georgia.

AMERICAN ENERGY. A London paper gives, as an instance of American energy, the story of a merchant from New York, who was at the London coffee house, in Ludgate Hill, when the news of the great fire which lately occurred in that city arrived. His premises were totally consumed, and he found himself, in a moment, a ruined man. His plan was instantly formed. In fifteen minutes from the time his eyes had rested on the paper, a chaise and four was at the door, in which he hurried to Dover. Arriving in the night, he hired a steamboat for 75 guineas, which soon landed him at Calais. Thence he hastened, with all possible expedition, to Lyons. He reached that city eight hours before the news of the fire, and employed his time in purchasing silk goods, to such an extent, and on such terms, as to secure a profit of at least £25,000, the destruction being principally of French silks, and to so large an amount, as to require more than all the existing stock in Lyons to make it good.

COTTON TRADE OF SCOTLAND. The cotton trade of Scotland continues to increase every year. Last year the increase was more than 3,800 bags. Total consumption nearly 100,000 bags. 32,000,000 lbs. at 9*d.* £1,200,000; charges and profits on spinning at 7*d.* £930,000; of this sum, about a half, would be for wages, and a half for tear and wear, profit, &c. Value of yarn, £2,130,000; exported (about a fourth), £530,000. Left for manufacturing £1,600,000: an expense and profit of manufacturing £1,200,000. Value of manufactured goods, £2,800,000.

[*Glasgow Chronicle.*

TOASTS AT RICHMOND, VA.

At a dinner lately given to Messrs. *Tyler* and *Leigh.*

Regular toasts.

"The Van Buren majority in the present general assembly—acquired by professions never fulfilled, and never meant to be fulfilled. The evidence of dexterous juggling, not of the will of the people—*Clear the kitchen.*

"Our sister state of Pennsylvania: The whigs of Virginia share her indignation at the insolence of federal power and its minions, in daring to dictate to her sovereign free will. They rejoice that the effect has been to re-animate the slumbering energies of '98—*Auld Lang Syne.*

"Our honored guest *John Tyler:* 'Expunged' from a post that he adorned, and the functions of which he ever faithfully and ably discharged, by the complying tools of an unprincipled aspirant—he is but the more endeared to the hearts of his countrymen—*Haste to the wedding.*

"Our honored guest, *Benj. Watkins Leigh:* 'As Cato firm, as Aristides just.' A man above the times; whom its profligacy cannot appreciate or corrupt. 'Modern degeneracy has not reached him'—*Marseilles Hymn.*

"The governor of Virginia, *Littleton W. Tazewell:* It is well that demagogues and tools should carp at such a man. His wisdom shames their folly; his virtues rebukes their vices; his independence scorns their servility.

"Virginia's 'expunging resolutions:' The only black spot on her vestal robe! Shame to them who inflicted it! Fools rush where angels dare not tread—*Dirge.*

"The senator's tenure—fixed by the constitution at six years—what must be thought of those who, *sworn to support the constitution*, get rid of the senators by placing before them, *perjury* or *resignation?*

"William C. Rives—the missionary *of the party*, to expunge the journal of the senate. He is a worthy guardian of the constitution, with whom presidential weal is superior to his oath! Such a man would better serve a prince than a republic!"—*(Three groans!!!)*

Volunteers.

"By gen. Lambert. [President.] The Abolition of slavery: *Let the work first begin in the two houses of congress.*

"James Lyons, esq. on behalf of the committee of arrangements, offered the following toasts:

"1. Our beloved townsman and distinguished representative, *John Robertson:* Faithful among the false. When he turns traitor, it will then indeed be time to 'despair of the republic.'

"2. Virginia's youthful hero, *Henry A. Wise:* Intrepid as eloquent. Born to be the scourge of sycophants, traitors and toad-eaters—Providence has vouchsafed him to avenge the wrongs of an insulted country.

"3. The senate of the United States: The only states right feature of the government. It has answered thus far the end for which it was wisely created; its fall must expose to shame and ignominy the pretenders who now assail it under professions of regard for the rights of the states and of the people.

"The hon. *John Bell* and *Balie W. Peyton*, of Tennessee.

"By Robert Stanard. Unwavering and inflexible resistance to the mandate of executive power, which nominates its minion to the first magistracy of a free and gallant people, and presumptuously expects tame submission from them."

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

April 1. After some minor business—

The senate proceeded to consider the bill to establish the northern boundary line of Ohio, and to provide for the admission of the state of Michigan.

The question being on the motion of Mr. *Wright*, to admit the state as soon as the assent of delegates appointed by the people of Michigan for that purpose to a line should be obtained.

Mr. *Southard* resumed the observations he had commenced on the preceding day, and spoke at much length.

Mr. *Hendricks* then explained the amendments which he laid on the table yesterday, and which he proposed to offer at a proper time.

Mr. *Wright*, Mr. *Benton*, Mr. *Clayton*, Mr. *Ewing*, Mr. *Buchanan* and Mr. *Clay*, severally addressed the senate.

After which, Mr. *Ewing* moved that the senate adjourn; which motion was decided in the negative—yeas 21, nays 24.

The debate was then resumed by Mr. *Clay*, Mr. *Buchanan* and Mr. *Walker*.

Mr. *Clayton* moved an adjournment; which was decided in the negative—yeas 21, nays 23.

Mr. *Ewing* of Ohio, moved that the senate should adjourn.—Determined as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson—21.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, Hill, Hubbard, King, of Alabama, King, of Georgia, Linn, Morris, Niles, Nicholas, Ruggles, Robinson, Rives, Shepley, Tallmadge, Tipton, Walker, White, Wright—24.

Several other adjournments were moved, with very near similar results.

An amendment moved by Mr. *Wright* was carried unanimously.

Mr. *Southard* moved to amend the bill in the part which provides that the senators and representatives already elected shall take their seats without delay. He denied that the senate had any right by law to determine that point, without either the senate or house having looked into the qualifications of the persons so elected. He moved to strike out that clause, and called for the yeas and nays.

Mr. *Benton* opposed the motion.

Mr. *Clay* said it was not necessary to declare what the constitution already declared, that the states would have a right to send senators and representatives as soon as admitted.

The question was then taken on Mr. *Southard's* motion to amend, and decided as follows:

YEAS—Messrs. Black, Clay, Crittenden, Davis, Ewing, of Ohio, Leigh, Naudain, Porter, Southard, Swift, Tomlinson, White—12.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hendricks, Hill, Hubbard, King, of Alabama, King, of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wright—22.

Mr. *Calhoun* (half past seven) said he would make one more effort to obtain time to look into the amendments, many of which were new, and required to be examined. He moved that the senate now adjourn; which was negatived—yeas 12, nays 24.

Mr. *Benton* moved to reconsider the motion by which the senate had determined to adjourn over until Monday.

Mr. *Benton* having been counted among the nays, could not make the motion, and it was renewed by Mr. *Tallmadge*.

The question being taken on reconsideration, there appeared; yeas 19, nays 3.

The yeas and nays being called, the question was again taken, when there appeared—yeas 20, nays 5.

The motion to adjourn until Monday was then put, and decided in the negative.

Mr. *White*, (at quarter before eight) moved that the senate proceed to the consideration of executive business.

The motion was agreed to.

The senate proceeded to the consideration of executive business, and, after some time, adjourned.

[The yeas and nays were frequently called this day.]

April. 2. A communication was received from the post office department, in reply to a resolution (offered by Mr. *Southard*) making inquiry as to the cause of a mistake which was discovered in the accounts of the treasurer of the department.

The following is a copy of the communication:

Post office department, April 1, 1836.

SIR: In obedience to the resolution of the senate, adopted on the 29th ult. and communicated to me on the 30th, requiring me "to report to the senate whether the cause of the discrepancy of forty thousand four hundred and seventy dollars and ninety-one cents, stated in the report of the accountants to the committee of the senate, dated 3d March, 1835, as then existing in the accounts of the treasurer of the general post office, has been discovered, and the said accounts finally adjusted; and, if so, further to report the cause of said discrepancy, and who was the occasion thereof, and whether the balance, if any, has been paid," I have the honor to submit the following statement, viz:

The "account of the treasurer of the general post office," alluded to in the resolution, is presumed to be the general cash account of the department, as no account with the treasurer, as such, was ever kept.

The cash account of the department, before the first day of July last, is known to be deranged in a high degree. It is believed that many months of labor would be required to ascertain the causes and extent of that derangement. So entirely has the force of the department, employed on accounts since the first of May last, been occupied in the current business; and in examining and adjusting individual accounts of long standing, that no attempt has been made to solve the difficulties in the cash account, and no additional light has been cast upon it, except incidentally in a few of its items.

"The report of the accountants to the committee of the senate, dated 3d March, 1835," does not appear to have been officially communicated to the department, forms no part of its books or papers, and has not been thought of as a basis of official action, however useful it may be as information.

I have the honor to be, very respectfully, your ob't serv't,

AMOS KENDALL.

Hon. *Martin Van Buren, president of the senate.*

Mr. *Grundy* said that it was very desirable for the department to be put in possession of the statements which had been made out by the two accountants employed by the committee during the investigation of the situation of the department under the preceding administration. If these accounts could be furnished to the department, there would be much time saved in arriving at the cause of the error, and the department was very anxious to have posession of these materials. He wished the gentleman from New Jersey to make some disposition of the communication.

Mr. *Southard* said he did not clearly see what particular disposition he could make of this document. If the senator from Tennessee would propose any course, he would make no objection to it. There appeared to be an important error, and the treasurer of the department had not been able to make his account with the office clear within $40,000. It had been supposed that the present head of the department, who had been so much landed for his economy and management and general efficiency, would have lost no time in instituting a rigid investigation of the accounts of the treasurer. It appeared, however, that he had been so busily occupied in settling the old accounts, which were left in a state of confusion almost inexplicable, that he could not find time for this examination. It would seem to be reasonable that the treasurer himself, under the eye of this vigilant head, would himself have labored to dispel the mystery which involved the affair. I (said Mr. S.) am possibly wrong in my views of this subject, as I have generally been in all my conjectures respecting the management of the post office, but I am certainly right in my convictions that there has been a lamentable want of regularity and system, since we have now the declaration of the postmaster general himself to this effect. He declares that it has occupied all his time to extricate the affairs of the department from the disorder into which they have been plunged. I hope then that I shall hear no more of the denunciations which have been so liberally poured forth against those who have said that the department had been in a state of utter confusion and disorder. He concluded with saying that, at present, he would only move for the printing of the document.

Mr. *Grundy* said he did not wish to go into any discussion of the ancient affairs of the department. That there existed a great discrepancy in the accounts, he presumed no one would pretend to dispute. He concurred with the senator from New Jersey in the opinion that the causes of this discrepancy ought to be ascertained. Perhaps the best course would be to refer the communication to the committee on the post office and post roads; and as that committee would meet on Monday, some course might then be determined on, which it would be best to pursue.

He moved to refer the communication to that committee and to print it: and the motion was agreed to.

The bill to establish the northern boundary of Ohio, and to provide for the admission of the state of Michigan into the U. States was read a third time.

On the question of its passage,

Mr. *Porter* stated some objections which he had to the bill, and moved to recommit it.

A wide and general debate followed—

Mr. *Calhoun* moved that the bill be recommitted; and the question being taken by yeas and nays, was decided as follows:

YEAS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Kent, Knight, Leigh, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, White—19.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, Hill, Hubbard, King, of Alab. King, of Geo. Linn, McKean, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wright—24.

[Similar motions were decided by the same numbers. The majority were resolved to pass the bill.]

On motion of Mr. *Preston* that the senate adjourn, it was decided in the negative—yeas 20, nays 23.

The question was then taken on the passage of the bill, and decided in the affirmative; 23 to 8, many of the senators having left the chamber.

The bill was then passed in the following form:

A bill to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the union upon the conditions therein expressed.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the northern boundary line of the state of Ohio shall be established at, and shall be a direct line drawn from the southern extremity of Lake Michigan, to the most northerly cape of the Maumee (Miami) bay, after that line, so drawn, shall intersect the eastern boundary line of the state of Indiana; and from the said north cape of the said bay, north east to the boundary line between the United States and the province of Upper Canada, in Lake Erie; and thence with the said last mentioned line, to its intersection with the western line of the state of Pennsylvania.

Sec. 2. *And be it further enacted*, That the constitution and state government which the people of Michigan have formed for themselves be, and the same is hereby, accepted, ratified and confirmed; and that the said state of Michigan shall be, and is hereby, declared to be one of the United States of America, and is hereby admitted into the union upon an equal footing with the original states, in all respects whatever: *Provided always, and this admission is upon the express condition*, That the said state shall consist of and have jurisdiction over all the territory included within the following boundaries and over none other, to wit: Beginning at the point where the above described northern boundary of the state of Ohio intersects the eastern boundary of the state of Indiana, and running thence with the said boundary line of Ohio, as described in the first section of this act, until it intersects the boundary line between the United States and Canada, in Lake Erie; thence with the said boundary line between the U. States and Canada, through the Detroit river, Lake Huron, and Lake Superior, to a point where the said line last touches Lake Superior; thence, in a direct line through Lake Superior, to the mouth of the Montreal river; thence, through the middle of the main channel of the said river Montreal, to the middle of the lake of the Desert; thence, in a direct line, to the nearest head water of the Menomonie river; thence, through the middle of that fork of the said river first touched by the said line, to the main channel of the said Menomonie river; thence down the centre of the main channel of the same, to the centre of the most usual ship channel of the Green Bay of Lake Michigan; thence, through the centre of the most usual ship channel of the said bay, to the middle of Lake Michigan; thence through the middle of Lake Michigan, to the northern boundary of the state of Indiana, as that line was established by the act of congress of the nineteenth of April, eighteen hundred and sixteen; thence, due east, with the north boundary line of the said state of Indiana, to the north east corner thereof; and thence, south, with the east boundary line of Indiana, to the place of beginning.

Sec. 3. *And be it further enacted*, That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said state of Michigan, as in that section described, declared and established, shall receive the assent of a convention of delegates elected by the people of the said state, for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the president of the U. States shall announce the same by proclamation, and thereupon, and without any further proceeding on the part of congress, the admission of the said state into the union, as one of the United States of America, on an equal footing with the original states in all respects whatever, shall be considered as complete, and the senators and representatives who have been elected by the said state as its representatives in the congress of the United States shall be entitled to take their seats in the senate and house of representatives respectively, without further delay.

Sec. 4. *And be it further enacted*, That nothing in this act contained, or in the admission of the said state into the union as one of the United States of America upon an equal footing with the original states in all respects whatever, shall be so construed or understood as to confer upon the people, legislature or other authorities of the said state of Michigan, any authority or right to interfere with the sale by the United States, and under their authority, of the vacant and unsold lands within the limits of the said state, but that the subject of the public lands, and the interest which may be given to the said state therein, shall be regulated by future action between congress, on the part of the United States, and the said state, or the authorities thereof. And the said state of Michigan shall in no case, and under no pretence whatsoever, impose any tax, assessment, or imposition of any description, upon any of the lands of the United States within its limits.

The bill for the admission of the territory of Arkansas as a state into the union, was then, on motion of Mr. *Wright*, taken up and read; and before any action was had upon it,

A motion to adjourn was made and lost—nays 27.

Mr. *White* then moved to amend the bill as follows:

Strike out from the word "river," in the 15th line of the 1st section, to the word "Arkansas" *inclusive*, in the 17th line, and insert the following words: "the lines described in the first article of the treaty made between the United States and the Cherokee nation of Indians west of the Mississippi, on the 26th day of May, in the year of our Lord one thousand eight hundred and twenty-eight."

After some remarks from Messrs. *Calhoun*, *Southard* and *Buchanan*,

Mr. *King*, of Alabama, moved that the senate adjourn; which was negatived—yeas, 16, nays 18.

The amendment of Mr. *White* was then unanimously adopted.

After some observations from Mr. *Crittenden* and Mr. *Calhoun*, touching the qualifications of voters, and a few words in explanation from Mr. *Buchanan*, the bill was ordered to be *engrossed for a third reading*, and then, on motion of Mr. *Mangum*, the senate adjourned.

April 4. Mr. *Grundy*, from the committee on the post office and post roads, to whom was referred the communication from the postmaster general, reported the following resolution, which was considered and agreed to:

Resolved, That the report of the accountants employed by the committee on the post office and post roads, at the last session of congress, be printed, and a copy thereof be furnished to the postmaster general, and the postmaster general is directed to report to the senate whether the cause of the discrepancy of $40,090 91, stated in the report of the accountants to the committee of the senate, dated March 3, 1833, as then existing in the accounts of the general post office, has been discovered; and further to report the cause of said discrepancy, and who was the occasion thereof, and whether the balance, if any, has been paid.

The bill for the admission of the state of Arkansas being read a third time, and the question being on its passage,

Messrs. *Benton*, *Swift*, *Buchanan*, *Prentiss*, *Porter*, *Morris* and *Ewing*, of Ohio, made a few observations, when the question was taken by yeas and nays, and decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Ewing, of Ill. Ewing, of Ohio, Grundy, Hendricks, Hill, Hubbard, King, of Alabama, King, of Geo. Linn, McKean, Mangum, Moore, Morris, Nicholas, Niles, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, Wright—31.

NAYS—Messrs. Clay, Knight, Porter, Prentiss, Robbins, Swift—6.

On motion of Mr. *Leigh*, the expunging resolution offered by Mr. *Benton* was taken up for consideration.

Mr. *Leigh* then addressed the senate at length in opposition to the resolution.

About 20 minutes before 4 o'clock, Mr. *Leigh* gave way and Mr. *Mangum* moved to adjourn, but withdrew the motion; and the subject being informally laid on the table,

The senate, on motion of Mr. *White*, proceeded to the consideration of executive business; and, after remaining for some time with closed doors, the senate adjourned.

April 5. Mr. *Hendricks* presented the petition of sundry citizens of Carroll county, in the state of Indiana, representing the town of Delphi as the head of steamboat navigation of the Wabash river, and praying that a port of entry may be established at that place. Referred to the committee on commerce.

Mr. *Benton* asked and obtained leave to introduce a bill to provide for the more effectual supply of bullion to the United States mint.

After a few words from Mr. *Benton* in explanation of the bill, from which it was gathered that the object is to supply the mint with bullion out of the public money in the deposite banks, at the rate (at present) of a million per month, he referred to letters from the director of the mint, giving the necessary statements as to the supply which the mint could consume.

The bill was read twice, and referred to the committee on finance.

Several bills were passed to a third reading, &c.

A bill was received from the house, amendatory of the act for the relief of the sufferers by fire in New York.

Mr. *Davis* stated that it was necessary to pass this bill at once, owing to a misconstruction of the bill which had been previously passed by the collector, who had construed it as extending its benefits to all bonds up to the day of the passage of the bill.

The bill was then, without opposition, read a first and second time, considered as in committee of the whole, read a third time, and passed.

After Mr. *Leigh* had concluded his speech on the "expunging" resolution, it was, on the motion of Mr. *Benton*, laid on the table and ordered to be printed.

A good deal of other business was attended to—but nothing important or decisive happened. Adjourned.

April 6. The morning business being disposed of; the special order of the day, "The bill to prevent the circulation of incendiary publications and pictures through the mail" was taken up and considered.

And, after some remarks by Mr. *Calhoun* and Mr. *Davis*, was postponed until to-morrow.

The bill concerning the payment of revolutionary and other pensioners was considered—and on an amendment being offered by Mr. *Wright*.

Mr. *Niles* moved to amend the amendment by making specie payments to sums under ten dollars for the present year, and under twenty dollars after the 3d of March, 1837.

After a few remarks from Messrs. *Benton* and *White*, the question was taken on the amendment of Mr. *Niles*, by yeas and nays, and decided as follows:

YEAS—Messrs. Benton, Brown, Calhoun, Grundy, Hendricks, Hill, Hubbard, King, of Alab. Leigh, Linn, McKean,

Morris, Nicholas, Niles, Porter, Robinson, Ruggles, Shepley, Tomlinson, Walker, White, Wright—22.

NAYS—Messrs. Black, Clay, Davis, Ewing, of Ohio, Kent, King, of Georgia, Knight, Mangum, Moore, Naudain, Prentiss, Robbins, Swift—13.

So the amendment was agreed to.

Other amendments being made—the bill was ordered to a third reading.

Mr. *Wright* laid on the table an amendment which he proposed to move to the bill to regulate the public deposites, whenever that bill shall be called up. If the senator from South Carolina did not call up that bill, (as he had intimated that he should not), he, (Mr. W.) would call it up at the earliest opportunity.

Mr. *Calhoun* expressed his gratification that the gentleman from New York and the senator from Missouri had taken this bill under their protection. They had the power to carry it through, and he was glad that they had it in their charge.

The amendments were ordered to be printed.

The senate proceeded to the consideration of executive business; and after remaining some time in secret session, adjourned.

April 7. Mr. *Grundy*, from the committee on the post office and post roads, made a report on the subject of the bill to authorise contracts with the rail road companies; which he read from the table.

Mr. *Ewing*, of Ohio, stated that the report contained much important matter which it was proper to lay before the public, and he accordingly moved that there be 5,000 extra copies printed.

Mr. *Grundy* suggested that there should be appended to the report the bill of the committee, as it was proposed to be amended.

Mr. *Calhoun* suggested some difficulties that he apprehended was in the bill—Mr. *Knight*, one of the post office committee, acquiesced in the report—Mr. *Ewing*, of Ohio, desired time to consider it—and the motion to print, &c. was agreed to.

After other minor business, and the passage of sundry bills—

The senate proceeded to consider the bill prohibiting deputy postmasters from receiving or transmitting through the mail, to any state, territory or district, certain papers therein mentioned, the circulation of which, by the laws of said state, territory or district, may be prohibited, and for other purposes.

Mr. *Davis* made some observations in opposition to the bill; after which,

On motion of Mr. *Calhoun*, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, April 1. Mr. *Wm. B. Shepard*, after some remarks, offered the following resolution—

Resolved, That Thursday and Friday, the 5th and 6th days of May next, be assigned for the exclusive consideration of bills relating to the District of Columbia.

The resolution was adopted by a vote of 88 to 42.

Mr. *J. Y. Mason*, by consent of the house, presented a memorial from certain clerks in the employ of the government, praying an increase of their compensation; which was referred to the committee of ways and means, and ordered to be printed.

Mr. *Lawrence*, by leave, presented a memorial of importing merchants of the city of Boston, representing that much inconvenience is frequently experienced by them in consequence of unavoidable delays in passing their importations through the custom house, arising wholly from the insufficiency in the number of officers allotted to the business of the customs in that city. And further, that the public warehouses are too circumscribed and ill suited for the purpose for which they are designed, and soliciting an enlargement of the public stores, and an increase of the number of clerks, by which means greater facilities will be afforded to the appraisers for the more speedy and correct discharge of their duties, which the memorialists represent have greatly increased during the present year; which memorial was referred to the committee on commerce.

Mr. *Wm. B. Shepard*, from the committee for the District of Columbia, reported the senate bill for the relief of the corporate cities of the District, without amendment; which bill was read twice and committed,

After some other business which will sufficiently appear in its progress—

On motion of Mr. *Whittlesey*, the house proceeded to the orders of the day for Friday, which were private bills.

Sundry bills were passed to a third reading, and the house adjourned.

Saturday, April 2. The *chair* presented a letter from the hon. *John Banks*, resigning his seat in the house of representatives of the United States.

On motion of Mr. *Speight*, the letter was laid on the table, and ordered to be printed.

Mr. *Patton* asked the house to take up the bill for the establishment of the territorial government of Wisconsin.

Mr. *Jones*, of Michigan, said he was about to make the same request of the house. He had information showing that there was imminent danger of an Indian war on that frontier, and it was necessary that the militia should be organised; which could not be done without the establishment of a territorial government. The country was, at present, destitute of any form of government.

Mr. *Storer* said he felt bound to object to the consideration of this bill.

Mr. *Patton* moved to suspend the rules for one hour for the purpose of taking up and considering the bill; which was agreed to.

The house then went into committee of the whole on the state of the union (Mr. *Speight* in the chair) upon the bill for the establishment of the territorial government of Wisconsin.

Mr. *Storer* wished to ask the gentleman who represented Michigan territory for some explanation. He understood that a government, sufficient for all practical purposes, was organised already over this district; and he wished to know what was the number of the population.

Mr. *Jones*, of Michigan, replied that he did not know precisely. No census had been taken by the general government; but a census taken by the people themselves, for their own gratification, showed in one particular district about twelve thousand, and in the whole territory about thirty thousand.

Mr. *Storer* said he was not opposed to the bill, but he wanted to know the reason why it was attempted to be passed in so unusual a mode. The house would pardon him for making some remarks, because of the peculiar situation of the state he represented, in regard to this matter and the territory of Michigan. The state of Ohio was not contiguous to this territory, but was immediately connected in interest with the settlement of this question. There was a bill before the house to determine the northern boundary line of Ohio, which it was much more important should be immediately passed, and he wanted to know why that had been postponed to give way for this. He again said he was not opposed to this bill, but should vote for it. But what had produced the state of facts that made such a bill necessary? One year ago this territory was under the supervision of judges appointed by the executive of the United States. The laws of the United States were in operation then. How is it we are told now there is no organization, and that the doors of justice are closed? It was not the fault of the people of this territory. Is it the fault of the house? If so, he would leave it be explained by others. There was, however, a territory which had cut loose this district, had caused the confusion complained of, and raised this whirlwind, which has now come in claiming to be a state of this union, without waiting for the forms of legislation, and has compelled this section to ask to be erected into a territory. He could not let this bill go by without expressing his opinions of this proceeding on the part of Michigan, and attempting to put down this most dangerous attempt to become a state without the proper enactment. It was not three years since this hall echoed, as it were, with one voice, upon the doctrines of the South in regard to the rights of states. He thought the south was wrong then, and thought so now; but here is practical nullification of a most dangerous tendency. Michigan has now a governor, legislature and judges, in the form of a state government, and by this act, the territory of Wisconsin is deprived of the usual forms of territorial government. He could not prevent this course; he must be swept along with the current, but he felt bound to enter his protest against such proceedings.

Mr. *Patton* thought the gentleman might have found some more proper time to offer his remarks. The committee had studiously avoided dragging into the bill any thing touching the boundary dispute between Michigan and Ohio. The difficulty which had called for this bill had not grown out of that dispute, but had arisen from an omission in the act establishing the territory of Michigan, in not extending the jurisdiction of the laws over this territory. This bill had nothing to do with the boundary in dispute, and he hoped it would not be drawn into the discussion.

A good deal of conversation followed as to the boundaries—but the hour having been past—

Mr. *Whittlesey* moved that the committee rise, which motion prevailed.

Mr. *Sutherland*, from the committee on commerce, reported a bill for making appropriations for the improvement of certain harbors of the United States for the year 1836. Read twice, and committed to the committee of the whole on the state of the union.

A great number of private bills were passed, or ordered to be engrossed, and read a third time. Adjourned.

On motion of Mr. *Mercer*, on Friday last, it was

Resolved, That a select committee, consisting of a member from each state, be appointed to consider the expediency of providing general rules for conducting the proceedings in contested elections, and that they have leave to report by bill or otherwise.

The following gentlemen were appointed a committee, in pursuance of the above resolution:

Messrs. *Mercer*, of Virginia; *Evans*, of Maine; *Burns*, of New Hampshire; *Cushing*, of Massachusetts; *Ingham*, of Connecticut; *Sprague*, of Rhode Island; *Hall*, of Vermont; *Wardwell*, of New York; *Parker*, of New Jersey; *Buchanan*, of Pennsylvania; *Milligan*, of Delaware; *Howard*, of Maryland; *Hawkins*, of North Carolina; *Griffin*, of South Carolina; *Jackson*, of Georgia; *Boyd*, of Kentucky; *Maury*, of Tennessee; *Kilgore*, of Ohio; *Garland*, of Louisiana; *Davis*, of Indiana; *Claiborne*, of Mississippi; *Casey*, of Illinois; *Martin*, of Alabama; *Ashley*, of Missouri.

The following is the committee to which was referred the bill from the senate, entitled "an act to purchase the right to use the apparatus invented and patented by Boyd Reilly, for applying gas or vapor to the human body, in the naval and military

service, in the hospitals, and in the penitentiary of the United States."

Mr. *Reed*, Mr. *Thomson*, of Ohio, Mr. *Mason*, of Maine, Mr. *Taliaferro*, Mr. *Schenck*, Mr. *Williams*, of Kentucky, Mr. *Joshua Lee*.

Monday, April 2. After the morning business—

Mr. *Wise* rose (he said) to offer a resolution on an important subject, which would, he hoped, be adopted without debate.—The resolution was read, as follows:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the agency or mode of selecting the banks of deposite for the public money, and into the contracts with the treasury department, by which they are regulated, and into the manner in which, and the persons by whom, such contracts are made; and to inquire whether any, and, if any, what connexion or relation, official or unofficial, exists or has existed between a certain Reuben M. Whitney and the treasury department of the United States, or between him and the banks of deposite of the public money, and into the extent of his agency generally, in keeping and controlling the public money, and into the amount of his compensation, whether the same be paid out of the public treasury or by the deposite banks; and that said committee have leave to report by bill or otherwise.

Objections being made,

Mr. *Wise* moved the suspension of the rules; to enable him to offer the resolution; and thereupon he asked the yeas and nays; which were ordered.

The question being taken, it was decided in the negative—yeas 84, nays 90.

Mr. *Peyton* asked the consent of the house to offer the following resolution; which was read.

Resolved, That the bill reported by the committee of ways and means, entitled, "a bill regulating the deposite of the money of the United States in certain local banks," together with any amendments which may be offered to the same, be made the special order of the day, and that it have precedence over all other business of the house, from the hour of twelve o'clock on the second Monday in May next, and on each succeeding day, from the same hour, Fridays and Saturdays excepted, until the same shall be finally disposed of.

Mr. *Cambreleng* said he would pledge himself to call up that bill at the earliest possible day; but he hoped the gentleman would not press the motion to make it the special order of the day until the appropriation bills were passed; he hoped there would be no more special orders.

Mr. *J. Q. Adams* asked whether the resolution was consistent with the resolution of the house making the appropriation bills the special order of the day.

The *chair* said that the resolution referred to by the gentleman would, of course, be rescinded by a subsequent order of the house.

Objections being made,

Mr. *Peyton* moved that the rules be suspended in order to enable him to offer the resolution indicated; and upon this motion, he asked the yeas and nays, which were ordered.

The question being taken, it was decided in the negative—yeas 67, nays 99.

Mr. *Peyton* gave notice that he should renew this motion at a suitable time, thinking it highly important that the subject should be considered during the present session.

Mr. *Evans* moved that the rules be suspended for the purpose of calling the states for petitions; which motion was not agreed to.

On motion of Mr. *Cambreleng*, the house went into committee of the whole, (Mr. *Hamer* in the chair), and resumed the consideration of the bill "making appropriations for the naval service of the United States for the year 1836."

The question being on the motion of Mr. *Bell* to strike out the following clause: "for repairs and improvements of the navy yard at Portsmouth, $67,000."

Mr. *Jarvis*, being entitled to the floor, spoke at length upon the subject, until near the hour of adjournment.

Mr. *Robertson* took the floor, but the hour being late, gave way for a motion that the committee rise, which was carried.

The house then adjourned.

Tuesday, April 5. Mr. *Whittlesey*, for the committee on claims, reported a number of bills. Many others were reported from the same and other committees.

Mr. *Smith*, from the committee of ways and means, reported a bill amendatory of an act for the relief of the sufferers by the late fire in New York; which was read a third time, and passed.

[The object of this bill is to limit the operation of the act to which it is an addition, and which extends the bonds of sufferers by the late fire to such bonds only as were actually given before the fire on the 16th of December last. Some debate arose on the character of the bill, and the manner in which it should be disposed of, in which Messrs. *Smith*, *Adams*, *Cambreleng*, *Briggs*, *Mercer*, *Cushing*, *Speight*, *Everett* and *C. Johnson* participated.]

Mr. *Wise* asked permission to offer the resolution presented by him yesterday. Objections being made to suspend the rules—the question was taken by yeas and nays, and decided against the proposition: for it 89, against it 94.

The naval appropriation bill again came up—

Mr. *Robertson*, being entitled to the floor, went on to examine the acts of the government in relation to the expenditure of money; and in reply to the arguments of Mr. *Garland* and Mr. *Jarvis*, at length.

Mr. *Robertson* gave way, at the usual hour of adjournment, for a motion made by Mr. *Storer* that the committee rise.

Mr. *Cambreleng* rose to say that he and many others were anxious to be heard upon this question; but the debate upon general subjects had continued so long upon this bill, that not only was the public interest suffering greatly, but in a few days not a dollar would be left in the treasury for the support and pay of the navy. He had determined to waive his right, which he wished to exercise, from personal considerations, to speak upon this bill; and he hoped it would be immediately passed; in which case, he would pledge himself to bring in a bill to make a million appropriation for the increase of the army, which would open all the subjects connected with the conduct of the administration. Such a bill would be reported by the committee of ways and means.

Mr. *Peyton* asked if the gentleman was authorised by his party to bring in such a bill for the express purpose of opening a debate upon the merits of the administration, or whether he acted from personal considerations.

Mr. *Cambreleng* said he acted as the organ of the committee of ways and means, which comprised individuals of both parties; but if the gentleman from Tennessee belonged to the party which wished to stop appropriations, he did not think there was any member of that party on the committee.

Mr. *Storer* insisted on his motion.

Mr. *Cambreleng* said he was instructed by the committee of ways and means to say that, if, to-morrow, when the gentleman from Virginia shall have concluded, if the question could not be taken, and the debate upon the bill stopped, he should ask the house to discharge the committee of the whole, with a view to expedite the public business.

Mr. *Storer* again insisted that his motion should be put; and having been put, the committee rose.

The house, however, did not then adjourn, but passed a number of private bills about which there was no dispute.

Wednesday, April 6. Mr. *Sutherland*, from the committee on commerce, reported the following joint resolution:

Resolved by the senate and house of representatives of the U. States of America in congress assembled, That so much of the third section of the act entitled "an act making appropriations for the civil and diplomatic expenses of government for the year 1835," as provides that the whole number of custom house officers in the United States on the 1st of January, 1834, shall not be increased until otherwise allowed by congress, be, and the same is hereby, suspended until the further action of congress.

Mr. *Harper* opposed the resolution, on the ground of information which he had that there were now in Philadelphia more custom house officers than were needed. He thought the limitation of power to appoint was a proper one.

Mr. *Lawrence* said it might be there were officers of the customs sufficient for the service in Philadelphia, but he knew that in New York and Boston there was great delay and much inconvenience occasioned to the merchants by the deficiency of a proper number of custom house officers. He said he had received many letters making serious complaints, and he thought the resolution ought to be passed immediately, and without debate. He gave also a statement of the increase in the commerce of Boston for the last six years, during which time no addition had been made to the number of officers. The number of entries had increased fifty per cent. and the revenue had more than doubled since 1830. This would show, he thought, to the satisfaction of the house, either that the officers were too numerous in 1830, or there should be more appointed now; and he thought the latter proposition the correct one.

Mr. *Cambreleng* confirmed Mr. *Lawrence's* remark in relation to New York; and stated that, owing to the extraordinary influx of business, and the insufficiency of officers, the collector was obliged to assign one inspector to three ships.

Some other desultory debate took place; when

Mr. *Whittlesey* suggested that it might not be competent to the house to suspend the operation of a law by resolution, but that it should be done by a bill.

Mr. *Adams* supported this view.

Mr. *Sutherland* then moved to amend the resolution by striking out the word "*Resolved*," and inserting the words "*Be it enacted, &c.*" so as to make it a bill; and also to strike out the words "until the further action of congress," and insert "until the end of this session of congress."

Both these amendments were adopted, and the resolution was ordered to be engrossed for a third reading, and the bill was subsequently passed.

After some other business—Mr. *Wise* said he had somewhat modified the resolution which he had heretofore indicated in relation to the deposite banks, and he again asked leave of the house to offer that resolution.

The resolution being read, Mr. *Wise* rose, he said, to assure the house, on the part of himself and his friends, that there was no desire nor intention to discuss the subject at present. There were no data for discussion, and could be none, until the inquiry proposed had been made. He hoped that the house would give their unanimous assent to the motion.

Objections being made.

Mr. *Cambreleng* said he would merely suggest that the opposition to the introduction of this resolution was not made for

the purpose of stifling inquiry, but from an apprehension that it would provoke a discussion. As that apprehension was now removed, he should cheerfully vote for the resolution.

Mr. *Wise* moved that the rules be suspended in order to enable him to offer the resolution, and thereupon he asked the yeas and nays, which were ordered.

The question being taken, it was decided in the negative—yeas 96, nays 87.

Two-thirds being required to carry a motion to suspend the rules, the house again by this vote refused to allow Mr. *Wise* to make his motion.

Mr. *Wise* now rose, he said, to retract the notice which he had heretofore given of his intention to press this motion. He should not offer it again, being now convinced that the house was opposed to any inquiry for the purpose of resolving what was a reasonable doubt in relation to the connexion between the government and the deposite banks.

Mr. *Rencher* asked whether, when the graduation bill came up, it would be in order to move to substitute for it the bill commonly called Mr. Clay's land bill.

The *chair* said the gentleman was aware that any amendments which were in order, might be offered to any bill before the house.

Mr. *Peyton* made an attempt to suspend the rules, by which he might offer his resolution—decided in the negative 108 to 95.

Other motions, not important, were variously disposed of.

On motion of Mr. *Cambreleng*, the house then resolved itself into a committee of the whole on the state of the union, for the further consideration of the bill "making appropriations for the naval service of the United States for the year 1836."

The question being on the motion of Mr. *Belt* to strike out the appropriation for the navy yard at Portsmouth,

Mr. *Vanderpoet* having concluded,

Mr. *Storer* took the floor, but gave way, as the hour was late, to a motion from

Mr. *Jenifer*, who moved that the committee rise; which motion was negatived—yeas 49, nays 77.

Mr. *Storer* then proceeded with his remarks.

Thursday, April 7. Mr. *Harrison*, of Missouri, from the committee on public lands, reported the following joint resolution:

Resolved by the senate and house of representatives of the U. States of America in congress assembled, That the secretary of war be, and he is hereby, directed to cause to be surveyed, by sufficient number of competent engineers, the inundated lands on the Mississippi river, the Missouri, the St. Francis, the Arkansas and Red rivers, and that he report to congress as the same is done the practicability of reclaiming the same, and removing the obstructions from said rivers; the best mode of doing the same; the amount of money which it will cost to accomplish it; the quantity and estimated value of the lands that may be so reclaimed; and the effects which such works may have upon the health and prosperity of the country.

Mr. *Harrison* stated that the committee had estimated the quantity of inundated land at twenty millions of acres; but to avoid any exaggeration, they had called it ten millions, which, at five dollars per acre, would amount to fifty millions of dollars. The expenses of reclaiming these lands the committee had estimated at two or three millions of dollars; but, in their calculation they had allowed double that sum. There was not a doubt that the United States would realize nearly fifty millions of dollars from these lands, if they were reclaimed.

The joint resolution was then read twice, and committed.

Several other resolutions being disposed of—

Mr. *Patton* asked the house to go into the committee of the whole on the state of the union upon the bill for the establishment of the Wisconsin territory, for the space of one hour.

The house did so, and the bill was finally reported to the house, by the committee.

The bill making appropriations for the naval service of the United States for the year 1836 was taken up.

The amendments agreed to in committee of the whole were concurred in.

Mr. *White*, of Florida, renewed his motion to increase the appropriation for the navy yard at Pensacola, and asked for the yeas and nays on his motion, which were ordered.

A long and desultory debate followed, and the motion was negatived—151 to 26—and the bill finally ordered to a third reading and passed. And, at 6 o'clock the house adjourned.

BALTIMORE AND OHIO RAIL ROAD.

At a meeting of the president and directors of the Baltimore and Ohio rail road company, held on Wednesday, the following preamble and resolutions were adopted:

Whereas the city of Baltimore has recently tendered a subscription of three millions of dollars in aid of the completion of the Baltimore and Ohio rail road, in accordance with the original plan of the work; and whereas a liberal subscription has likewise been tendered by the city of Wheeling in furtherance of the same object, and considerable aid may also be expected from the city of Pittsburgh, and other places in the west; and whereas this board relies with full confidence upon the patriotism and enlightened public spirit which characterise the legislature of Maryland, for a further subscription to the stock of this company, on the part of the state, sufficient, with the other available means that are expected to be at the disposal of the board, to complete the road to the points of its ultimate destination at Wheeling and Pittsburgh; and whereas the public interest requires that the most strenuous efforts should be made to accomplish this important object with all possible diligence and expedition:

Therefore, *Resolved*, That this board *will forthwith proceed to commence the necessary surveys with a view to the entire location of the road as soon as practicable.*

Resolved, That the president instruct the chief engineer to organize the requisite number of surveying parties for the purpose of making the necessary preliminary surveys, beginning at or near to *Harper's Ferry*, or at such other point as he may deem most expedient, in order that the board may be prepared, in the first instance, to effect the location of the road *from that place to the summit of the Alleghany mountain*, as early as the same can be accomplished.

AFFAIRS IN FLORIDA.

From the Savannah papers of the 24th we learn that, by a steam packet from the St. John's, which arrived on the preceding evening, came passengers col. *Twiggs*, of the 4th regiment infantry, maj. *Mountfort*, of the 2d regiment artillery, and maj. *Lear*, of the 4th infantry, with capt. *Marks*, of the Louisiana volunteers. These officers left Fort Drane on the 19th. Gen. *Scott* was still there with the forces under his command. The whole army was in fine health and spirits, and in excellent discipline, and would be prepared to leave Fort Drane on or about the 25th, for the banks of the Wythlacoochee, (gen. Gaines' battle ground). There generals *Scott* and *Eustis*, and col. *Lindsay*, with their immediate commands, were to unite—gen. *Eustis* having moved on the 18th from Volusia, and col. *Lindsay* being on his way from Tampa.

The Floridians, not in the field, are generally returning to their homes in the vicinity of Micanopy and elsewhere, as they have been assured that the Indians will comply with their agreement with gen. Gaines.

Gen. Gaines and gen. Scott met at Fort Drane and passed one day together—sitting at the same table, and showing as much courtesy to each other, the Jacksonville Courier says, as two men can, who take no notice of each other.

The subjoined general order, issued by gen. Gaines upon giving up the command of his troops to general Clinch, before their return to Fort Drane, is published in the Savannah papers.

The National Intelligencer says:—"We are sorry to see in this general order the manner in which general Scott, placed in command of the campaign by the executive, is alluded to. So far from peace with the Indians being certain, we apprehended much blood will yet be shed before they are subdued, or before general Scott's *diplomatic* powers will come into play. We presume, that after what has passed, that his orders require the subjugation of the Indians, and their removal beyond the Mississippi, as the indispensable condition of peace for them.

Head quarters, western department, Fort Izard, on the Wythlacoochee, Florida, March 9, 1836.

I. Called to East Florida by the savage massacres and conflagrations of the 28th December, and the following month, the commanding general hastily collected, in Louisiana, the forces which accompanied him from that patriotic state. These troops, in the short space of thirty-six days, have marched by land and water, nearly eight hundred miles—one hundred and forty through the country occupied by the enemy, whose principal force they have met, beaten and forced to sue for peace.

II. These important objects of the campaign having been accomplished with the hearty and cordial co-operation of brig. gen. Clinch, (to whose sound judgment the defence of this frontier had been wisely confided, and by whose gallantry the enemy had been chastised on the 31st December, and since held in check as far as his limited means would allow), the troops from Louisiana are placed under his command, in order to guard against the known faithlessness of the enemy, until the arrival of the forces under the officer charged with the diplomatic arrangements of the war department. Whenever, and as soon as that officer shall mature his plan of operations, and accomplish the duties assigned him, the forces from Louisiana will return to New Orleans.

III. The commanding general cannot consistently with his views of propriety take leave of the troops by whom he has been so manfully sustained, without tendering them his grateful acknowledgements for the constancy and courage with which they have performed every duty, and borne privations, the recital of which would not fail to command the admiration of the virtuous and wise of every section of the republic. The officers and soldiers of the whole of these forces, (including the artillery from Tampa Bay, acting as a light brigade, under command of lieut. col. Twiggs of the 4th infantry) have performed their duty so much to the satisfaction of the general, that he cannot discriminate between the relative claims of corps, of officers, or other individuals, without the risk of invidious distinction. All did their duty cheerfully and gallantly, and when it became necessary to meet the question, whether to eat the meat of their own horses, or to abandon an important position, all cheerfully preferred this unpleasant subsistence to any movement that would endanger the frontier. The horse meat was accordingly eaten by horses and men until the enemy was beaten and sued for peace. A timely supply of provisions arrived, escorted by the brave Georgians, Floridians and regulars, under gen. Clinch, at the moment the pacific propositions of the enemy were in the act of being answered. The Indians were fired on by the general's light troops before he could be notified of the object of their being near the camp; they have since disappeared.

IV. The general deeply regrets the fall of the 1st lieut. J. F. Izard, of the dragoons, acting brigade major, and in command of the advance guard. He fell at the head of his corps, and, though mortally wounded, had the heroic presence of mind to order, "keep your positions, men, and lie close." 2d lieut. Duncan, 2d artillery, was slightly wounded. Capt. Saunders, commanding the friendly Indians, was severely wounded. Capt. Armstrong of the U. S. transport schooner *Motto*, was slightly wounded. The two last named officers were in the advance, where their services have been highly useful during the march. This officer, and twenty-nine N. C. officers and soldiers of other companies of the regiment, evinced their gallantry by their good conduct, as well as by their honorable wounds. The general is convinced that he never commanded a finer corps—its chief would do honor to any service

The officers of the medical department merit the approbation of the general, for the attentive and skilful manner in which their duties were discharged.

List of killed and wounded:

Killed—1st lieut. J. F. Izard, dragoons.
Sergeant F. Dunn, 2d artillery.
Private F. Bolie, La. volunteers.
Do V. Beck, do do.
Do H. Butler, do do.

Total—5.

Wounded—officers, non-commissioned officers, and privates:
2d artillery.....8
4th infantry.....8
La. volunteers.....30
—
Total wounded.....46

By command of major general Gaines:
GEORGE A. McCALL,
A. D. C. acting ass. adj. general.

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Extracts of letters received in Charleston, dated Indian Key, March 17.

"It is now ascertained without a doubt, that there is a large number of hostile Indians embodied near Cape Sable, within 30 miles of us, and the inhabitants of this island are hourly in imminent danger of an attack. What we always apprehended has turned out to be the case, that as they were driven from the north eastern part of the interior, they would retreat to the southern point and the keys. One canoe came to this island yesterday with only one Spaniard in it, under the pretence to trade, suspicions however arose that he did not come alone, and we concluded to keep him here—in the course of the day we obliged him to tell that two Indians came with him, and that he left them on an island about one mile distant. A boat was immediately despatched with a number of men in search of them, and after some difficulty, they were found and brought to this island, where I think they will be kept safe for the present; we have every reason to believe they were spies; they have already acknowledged that there is a large number of Indians near Cape Sable.

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From the Charleston Courier.

A letter from an officer under gen. *Clinch*, dated Fort Drane, 13th March, gives a detail of the occurrences which took place with general *Gaines'* army. In speaking of the succor given him by gen. *Clinch*, he says:

"Gen. *Clinch* procured all the transportation he could possibly get, and, with 60 head of beef cattle, took up the line of march on the 5th. We reached gen. Gaines' camp the next day, about 4 o'clock in the afternoon; and of all the sufferings that have, or will be borne during this war, that of the forces under gen. G. was the most severe. They were living on horse flesh which was starved to death, and the dogs in the camp; one dog's leg sold for $5. Not a particle of bread had been seen there for many days, and the Indians kept up a regular fire, night and day, for eight days, on the entrenchment. After giving the troops all the supplies we carried down, gen. Gaines turned over the command to gen. Clinch, who put the whole in line of march for this place on the 10th, and we arrived on the 11th pretty well fatigued. It is truly fortunate that general Clinch had it in his power to relieve Gaines, otherwise his whole army must have been cut off, as disease had began to make its appearance in his camp, and he had no possible means of carrying off his wounded men. The Indians are on the same river, but a little back from Gaines' camp, in an impenetrable swamp of cypress, which has many islands in it. The Indians say they are willing to quit fighting, but they will not leave the country—they will die first."

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The following extract from the "Tallahassee Floridian," is of interest:

"Captain Watson, of Columbus, Ga. passed through this place on his way to Fort King. He goes, we understand, for the purpose of tendering to gen. Scott, the services of two hundred warriors of the Euchee tribe. The Euchees are the hereditary foes of the Creeks and Seminoles. Their bravery and cunning has long rendered them a terror to their enemies, though comparatively few in number. They have been restrained many years by the United States from open hostilities, yet they have uniformly kept aloof from all intercourse with their old enemies—refusing to participate in any of the national festivals, such as corn dances and ball playing; and continued to brood over the wrongs of their ancestors, which have been transmitted from age to age, as an inheritance of revenge. This tribe once possessed sovereign power over a vast extent of country, but by their perpetual wars, they have been reduced to their present limited numbers. Their language is spoken by no other tribe, and has never been learned in a solitary instance by a white person. It is not an articulate language, it consists entirely of guttural sounds so similar that none but a native ear can distinguish them. They understand the Creek language, and it is through that they communicate with the whites. Their physogonomy is as distinct as their language. It would be a curious subject of inquiry, to trace out the origin of this fierce and untameable race of men. They reside in Alabama and Florida. Captain Watson's offer, we have no doubt, will be accepted. He is a brave officer, and distinguished himself a short time ago in an encounter with a very superior number of Creeks on the Chattahoochee."

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The Columbia (S. C.) Times and State Gazette, on the 25th inst. says: Drs. *Caldwell* and *Cabell*, of gen. *Scott's* staff, passed through this town on Wednesday morning last for Washington city. The former gentleman stated, at the stage office that he was the bearer of a treaty for the president's approbation, and that hostilities had ceased.

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From the Savannah Georgian, March 30.

The steam packet Etiwan, captain Sassard, arrived last evening from Picolata, via Jacksonville and St. Mary's, having left the former place on Thursday afternoon last. The E. remained half a day at Jacksonville, and was detained two days at St. John's bar, having left the latter on Monday morning last.

The intelligence brought by the E. is, in our view, important, for we thereby learn not only the destruction of more of our brave soldiers, who have yielded the comforts of home for the honor of sustaining their country's flag, but we perceive in it that hostile disposition on the part of our savage enemy to regard no dictates but the promptings of their revengeful bosoms.

A gentleman who left Fort Drane on Thursday last, states that gen. Scott was to cross the Wythlacoochee on Saturday last. From a letter written by an officer at that post, we learn that our gallant army expect a desperate contest before the war is terminated. We publish all the information we can collect. We regret that we are not able to relieve the anxieties of our Carolina brethren, who have friends in the army, by publishing the names of those slain at Volusia.

No paper, we learn, had been published at Jacksonville last week when the E. left.

Extract of a letter dated Picolata, March 24, 1836.

"Yesterday morning, while gen. Eustis (at Volusia) was transferring his command to the west side of the St. John's capt. Ashley's company, which had crossed over, was fired upon by about fifty Indians; three men killed instantly, and six more wounded; the fire was immediately returned, and the troops sent in pursuit, but they were off. Only one Indian negro was killed."

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Extract of another letter dated Picolata, March 25, 1836.

"They are fighting away at Volusia; last accounts, four of the South Carolina volunteers were killed and several wounded; the Indians crept up, and shot the four sentinels down the first fire; wounded several others. We expect the boat down to-night, and will hear more news."

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Extract of another letter.

"Since gen. Gaines left Wythlacoochee nothing new has transpired in the army. On the 23d or 24th the Indians attacked a part of gen. Eustis' army, after crossing the river St. John's at Volusia, and killed two and wounded six, four of which are supposed to be mortally. It was said that gen. Scott would take up his line of march on the 25th."

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Gen. *Macomb*, with his aid-de-camp, capt. *Cooper*, left Savannah on the 29th ult. for Florida, in the steam packet *Dolphin*.

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Despatches from major general Scott's head quarters in Florida, Fort Drane, dated 20th of March, have been received at Washington. They communicate no new event of importance. General Scott was still waiting with his command, in order to give general Eustis and colonel Lindsay time to gain their allotted positions, and that other necessary arrangements might be made. These various objects, it was supposed, would be gained by the 26th or 27th March, when the plan of the campaign would be carried into active operation. The great body of the hostile Indians were believed to be encamped in the swamp of the Wythlacoochee, about 25 miles from Fort Drane.

TEXAS.

The Texas convention has declared the state independent of Mexico.

A letter to the editor of the *New York Courier* says—

In despite of all the troubles created by the late war, the country is prospering and will continue to do so, while we have such a hardy fearless race to populate and protect it. Lands are rising in value; and in a few years will not be far behind those in Mississippi and Louisiana in price—they are so productive and the climate is so fine. There has been but few attempts made to cultivate sugar cane yet—wherever it has been attempted it has succeeded well. *Cotton* is the staple of the

country; the crop was very fine last year, and preparations are making for a large one of the present year. There has been some dissension and discord between the governor and council of Texas. The governor has shamefully committed himself. His intemperate message to the council will serve much to lessen confidence abroad, and have a very unfortunate effect it is feared.

From the New Orleans "True American."

Natchitoches, 15th March, 1836.

Editor of the True American.

SIR: I send the copy of a letter received this morning by express from Texas. In haste, &c.

Committee room, Washington, Texas, March 6th, 1836.

DEAR WIFE: I am well and we are getting along very well. We have three or four committees who are preparing a *constitution*, and we will soon have it ready. I shall be at home in ten or fifteen days, we have alarming news continually from the west; Frank Johnson's division is all killed, but five, it is supposed. We saw two shot begging for quarters. Dr. Grant with a company of men is supposed to be all slain.

Travis' last express states San Antonio was strongly besieged; it is much feared that Travis and company are all massacred, as despatches have been due from that place three days and none have arrived here yet. The frontiers are breaking up, Gonzales must be sacked, and its inhabitants murdered and defiled unless they get immediate aid. The last accounts, the Mexicans were to a considerable number between Gonzales and San Antonio. Fanning is at La Badia with about 500 men, and is in daily expectation of a visit from Santa Anna. Texas has been declared free and independent, but unless we have a general turn out and every man lay his helping hand too, we are lost. Santa Anna and his vassals are now on our borders, and the declaration of our freedom, unless it is sealed with blood, is of no force. I say again that nothing will save Texas but a general turn out. You all know my views with regard to our condition; I have given you facts, judge for yourselves. I wish a copy of this letter sent immediately to capt. Baily Anderson and col. S. A. Lublett, and publicly read in San Augustine. Travis closes his last expresses with these words—Help! O my country. MARTIN PALMER.

To the committee of vigilance and safety, San Augustine, Texas.

—

A gentleman from Nacogdoches, in Texas, informs us, that, whilst there, he dined in public with col. Crockett, who had just arrived from Tennessee. The old bear-hunter, on being toasted, made a speech to the Texians, replete with his usual dry humor. He began nearly in this style: "I am told, gentlemen, that, when a stranger, like myself, arrives among you, the first inquiry is—what brought you here? To satisfy your curiosity at once as to myself, I will tell you all about it. I was, for some years, a member of congress. In my last canvass, I told the people of my district, that, if they saw fit to reelect me, I would serve them as faithfully as I had done; but, if not, *they might go to h——, and I would go to Texas.* I was beaten, gentlemen, and here I am." The roar of applause was like a thunder-burst. [*Louisville Journal.*

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Washington, Texas, March 5.

ARMY ORDERS.

War is raging on the frontiers. Bejar is beseiged by two thousand of the enemy, under the command of gen. Sizma. Reinforcements are on their march to unite with the beseiging army. By the last report, our force in Bejar, was only 150 strong. The citizens of Texas must rally to the aid of our army, or it will perish. Let the citizens of the east march to the combat. The enemy must be driven from our soil—or desolation will accompany their march upon us. INDEPENDENCE IS DECLARED—It must be maintained. Immediate action, united with valor alone, can achieve the great work. The services of all are forthwith required in the field.

SAM. HOUSTON, *commander-in-chief of the army.*

—

Gen. *Stephen F. Austin, Wm. H. Wharton,* esq. and doctor *B. F. Archer,* have arrived at Barnum's City hotel, Baltimore, last week, from TEXAS. These gentlemen have been appointed commissioners by the provisional government to procure assistance to aid them in their struggle against the acts of the government of Santa Anna.

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DECLARATION OF INDEPENDENCE.

The unanimous declaration of independence, made by the delegates of the people of Texas, as in general convention, made at the town of Washington, on the 2d day of March, 1836.

When a government has ceased to protect the lives, liberty and property, of the people from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression, when the federal republican constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded, but that of the army and the priesthood—both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants. When, long after the spirit of the constitution has departed, moderation is at length so far lost, by those in power, that even the semblance of freedom is removed, and the forms themselves, of the constitution, discontinued, and so far from their petitions and remonstrances being regarded, the agents who bear them, are thrown into dungeons—and mercenary armies sent forth, to force a new government upon them at the point of the bayonet: When, in consequence of such acts of malfeasance and abdication, on the part of the government, anarchy prevails, and civil society is dissolved into its original elements. In such a crisis the first law of nature, the right of self-preservation, the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands, in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such governments, and create another in its stead calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous, but unavoidable step, now taken, of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness, under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed—as the Mexican nation has acquiesced in the late changes made in the government by general Antonio Lopez de Santa Anna;—who, having overturned the constitution of this country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority in an unknown tongue; and this too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate state government, and have in accordance with the provisions of the national constitution presented to the general congress a republican constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon for a long time one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our constitution and the establishment of a state government.

It has failed and refused to secure on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty and property of the citizen.

It has failed to establish any public system of education, although possessed of means almost boundless, (the public domain) and although it is an axiom political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity for self government.

It has suffered the military commandant stationed amongst us to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved by force of arms the state congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government; and thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detatchments to secure and carry them into the interior for trial; in contempt of the civil authority and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes and authorising them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our consciences—by the support of a national religion, calculated to promote the temporal interests of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defence, the rightful property of freemen, and formidable only to tyrannical governments.

It has invaded our country both by sea and land, with intent to lay waste our territory, and drive us from our homes—and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

It has been, during the whole time of our connexion with it, the contemptible sport and victim of successive military revolutions; and has continually exhibited every characteristic of a weak, corrupt and tyrannical government.

These and other grievances were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior. We are therefore forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefore of a military government; that they are unfit to be free, and incapable of self-government.

The necessity of self-preservation therefore decrees our eternal political separation. We therefore, the delegates with plenary powers of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connexion with the Mexican nation, has forever ended, and that the people of Texas do now constitute a free, sovereign and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations.

Signers of the declaration of Texian independence.

RICHARD ELLIS, *president.*

Municipality of Austin—C. B. Thomas Barnett. Brazoria—Edwin Waller, James Collinsworth, J. S. Byrum, Asa Brigham. Bexar—Francisco Rous, Antonio Navarro, J. B. Badgett. Colorado—W. C. Lacy, William Manifee. Gonzales—J. Fisher, M. Caldwell. Goliad—William Motley. Harrisburg—Lorenzo de Zavala. Jasper—S. H. Everett, George W. Smith. Jackson—Elijah Stepp. Jefferson—Claiborn West, William B. Scates, M. Menard, A. B. Hardin. Mina—J. W. Benton, E. J. Gaslay, R. M. Coleman. Matagorda—B. Hardiman. Milam—L. C. Robertson, George C. Childress. Nacogdoches—Robert Potter, Thomas J. Rusk. Pecan Point—Robert Hamilton, Collin M. King, Albert H. Latimore. Refugio—James Power, Samuel Houston, David Thomas, Edward Conrad. San Augustine—E. O. Degand, Martin Parmer, S. M. Blount. Sabine—James Gaines, William Clarke, jr. Shelby—Sydney O. Pennington, William C. Crawford. San Patricio—John Turner, B. B. Goodrich, Jesse Grimes, J. G. Swisher, G. W. Barnett.

LOWER CANADA.

It will be seen from the following speech of the governor of Canada to the legislature, that the conciliatory course adopted by the present British ministers, have failed in settling the difficulties between the majority in the lower house and the government:

Gentlemen of the legislative council, and
gentlemen of the house of assembly,

The advanced season of the year and the want of a sufficient number of members in both houses for the despatch of public business, render it expedient that I should prorogue this parliament.

Gentlemen of the house of assembly,

It is to me a matter of sincere regret, that the offers of peace and conciliation, of which I was the bearer, to this country, have not led to the result which I had hoped for. The consequences of their rejection and of the demands which have been made to his majesty, I will not venture to predict.

In the speech with which I opened the session, I announced, that should you consent to discharge the arrears due to the public officers, and provide for their maintenance, pending the inquiries which his majesty had commanded to be made in the province, no part of the surplus revenues of the crown should be touched during those inquiries, without your consent. As no provision has been made for the purposes contemplated in that proposal, I shall be under the necessity of applying the revenues at the disposal of the crown, as far as they will extend, to the payment of the public servants and toward the current expenses of the civil government.

What further measure must be adopted for the removal of the difficulties to which the affairs of the province are reduced, the authorities in England must now determine.

Gentlemen of the legislative council, and
gentlemen of the house of assembly,

Of the fifty-nine bills that have passed both houses during this session, I have given the royal assent to all, save one—namely, the bill for establishing a rail road between the river St. Lawrence and the province line. As this bill affects the king's prerogative in the disposal of the waste lands of the crown, the 42d clause of the constitutional act makes it necessary that I should reserve it for the signification of his majesty's pleasure; and it is probable, that the omission of the formalities required by that clause will be altogether fatal to the measure.

I shall continue to do all in my power for the advancement of the public good and the furtherance of that paternal policy which has been enjoined upon me by our most gracious sovereign; and you, gentlemen, will, I doubt not, each in his individual capacity, labor to preserve the peace and to promote the real interests of the community.

LEGISLATURE OF MARYLAND.

Mr. *Wootton*, from the joint committee appointed to inquire into the expenditures of the state, in works of internal improvement, made the following REPORT:

The joint committee of the two houses, instructed to inquire into the manner in which the loan of the last session to the Chesapeake and Ohio canal company has been expended, and the causes which led to the erroneous estimates furnished the legislature for the completion of the canal to Cumberland; also, generally, into the manner in which the public moneys appropriated for the construction of works of internal improvement in this state have been expended, submit the following report, in part:

That your committee are unable at this time to make a full report, it having been impossible for them so to do, without dedicating the whole of their time to the investigation of the subject referred to them, to the neglect of other duties which they have to perform, and which they did not feel themselves warranted in overlooking.

It appears, from the testimony before the committee, that the application to the legislature for the loan to the Chesapeake and Ohio canal company was based on the report of the committee appointed on the part of the internal improvement convention assembled in Baltimore, in December, 1834; that this report was founded on the survey made by Mr. Cruger, the engineer of the canal company, of 26½ miles of the canal immediately above the 108 miles which had then been nearly completed; that this survey had been made preceding the meeting of the convention, and the canal company, adopting this report as the basis of the estimate for the completion of this great work, were themselves mistaken. That your committee have no reason to believe the canal company were in possession of any facts at the time of making the application for the loan, which did not warrant them in adopting the report of the committee of the internal improvement convention.

From the known character and probity of the parties, the committee are satisfied that the error was one of judgment, not of design; that the canal company had no intention to mislead or deceive the legislature.

With regard to the first part of the inquiry submitted to them, the actual application of the loan, your committee are not prepared to make a detailed report. They have ascertained, however, that the debt of the company at the time the loan was applied for amounted, according to the deposition of their clerk, J. P. Ingle, to $559,771 05, the greater part of which it was necessary for them to discharge, before they could comply with the conditions of the law under which the loan was made. Of the loan, one million remains to be paid, and, by the arrangement entered into between the treasurer and the canal company, the same has to be paid in quarterly payments. By this arrangement, according to the terms upon which the loan was negotiable, neither the state nor the canal company have to pay interest, but as the several portions are necessarily called for from the lenders, and advanced to carry on the work.

Your committee have caused the evidence taken before them to be reduced to writing, and the same is hereby submitted. They would particularly invite the attention of the legislature to the testimony of Mr. Fisk, as clearly accounting for the discrepancies which have been observed in the various estimates, as showing the entire reliance to be placed upon the present estimates, which are final on working estimates, and as demonstrating, in the clearest light, the excellency of the plans now adopted for this great work.

For the reasons already assigned, your committee have not been able to inform themselves as to the application which has been made of the moneys advanced by the state, to aid in the construction of other works of internal improvement, nor even to institute an inquiry into the subject. They propose, however, doing so during the recess, and to make a report at large, in relation to it, as well as upon the matters now only partially reported upon, at the commencement of the next session of the legislature.

The committee conclude, by earnestly recommending that an end be put to all doubt of the completion of the great works in which the state has engaged, and that no unnecessary delay may occur in giving to the people of the state the full use of such improvements, and the immediate benefit of the investments already made.

At this advanced stage of the session your committee deem it injudicious and superfluous to enter into arguments which, designed to promote, might, in effect, delay the necessary action of the legislature, but are unwilling to close without remarking upon one happy circumstance attending the internal improvements of this country, contradistinguishing them from all others of the habitable globe.

In undertaking and prosecuting this canal and other similar works, calculations of profit are based upon existing things.—The quality of the Alleghany coal, for example, is known; its abundance is ascertained to be adequate to the demand of a thousand years, if it may not indeed be fairly considered inexhaustible. The quantity to be transported on the canal is estimated by the population and operations of the existing population of a few cities and a limited region; and even thus calculated, we have ample assurances of vast profit on the cost of the work. But nothing in this country is better proven, or more certain, than that our population doubles in about twenty years, the trade and business increasing probably in a ratio still greater.

In twenty years our present number of twelve millions will be twenty-five; in less than half a century we shall number in this republic not less than fifty millions of souls. In our day and generation, the great channels of trade are found to be abundantly productive; but, based upon inexhaustible supplies, and sustained by demands, geometrically augmenting, what cal-

culations will not fall short of the benefits and revenues we shall provide for generations yet to come, by a provident investment of the means of the state, sufficient for the completion of the incomparable works which it is the laudable pride of Maryland already to have undertaken, and will be her greater pride to have completed. W. T. WOOTTON, *chairman.*

MARYLAND—INTERNAL IMPROVEMENT.

It was designed that the legislature of Maryland should have adjourned, *sine die*, on Saturday last. But on Friday, the people of Baltimore were much excited by hearing that the great improvement bill had failed on Thursday*—and they immediately assembled at the exchange and appointed a large and most respectable committee to proceed to Annapolis forthwith, to intercede with the legislature that they might not adjourn in the existing state of things. A better feeling began to prevail in the legislature, and the following proceedings took place on Saturday, as we learn from the "American" of Monday:

INTERNAL IMPROVEMENTS—EXTRA SESSION OF THE LEGISLATURE.

It will be seen by the following letter from our correspondent at Annapolis that the visit of the committee of our citizens, although unavailing in reference to any immediate salutary action of the legislature on the subject of internal improvements at its present session, has happily been instrumental in bringing about an agreement on the part of that body for the holding of an extra session on the 4th Monday of May next, for the purpose of devoting its attention to such bill or project as may then be reported by the special committee charged with that duty. We are happy to add that the belief is very general that the extra session will result in the harmonious adoption of the measures which all admit to be indispensable to the onward march of the state to her high and happy destinies.

From an occasional correspondent of the American.

"*Annapolis, April* 2*d*, 1836.

The committee of the citizens of Baltimore, appointed at the town meeting on Friday, reached here on Friday night about ten o'clock. This morning, in the house of delegates, Mr. McLean presented a memorial from this committee, asking in respectful and very earnest terms, that the house would reconsider its vote on the great internal improvement bill, and pass it. A motion was made to refer the memorial to a select committee of five, to which the house assented, and it was accordingly committed to Messrs. McLean, Merrick, Burchenal, Ely and Long. After an interval of two or three hours, the committee reported a bill, providing a subscription of two millions to the Baltimore and Ohio rail road; a loan of two millions to the Chesapeake and Ohio canal; one million to the Eastern Shore rail road, either by loan or subscription, as that company may elect within a year, and some other provisions.

After the reading of the bill, Mr. Pratt offered to the house, as a substitute for the bill, a resolution proposing that an extra session of the legislature of Maryland should be held on the fourth Monday of May next, for the purpose of taking into consideration such project on the subject of the internal improvements of the state as should then be reported by the joint committee on internal improvements. The substitute was accepted by the house, but when the question on its adoption was put, it was determined in the *negative*. A question of order then arose, whether in consequence of the rejection of the substitute, the bill reported by the special committee was before the house or not. It was debated for some time, when the house took a recess. On the opening of the evening session, Mr. Merrick moved a reconsideration of the vote on the substitute, when it was agreed to, and it was subsequently passed by the house, by a vote of 33 to 14. It is to the following effect:

By the house of delegates, April 2, 1836.

Gentlemen of the senate—We propose with the concurrence of your honorable body, that when the legislature adjourns it stand adjourned until the fourth Monday in May next, for the purpose on that day of taking into consideration the important subject of internal improvement, and we propose, with the concurrence of your honorable body, the appointment of a joint committee of five with instructions fully to investigate the subject and to report by bill or otherwise. We have named Messrs. Merrick, Pratt and Spence to join such gentlemen as may be appointed by your honorable body to perform this duty.

To which the senate, on motion of Mr. Mayer, made the following answer:

By the senate, April 2, 1836.

Gentlemen of the house of delegates—We have received your message, proposing that when the legislature adjourns it shall stand adjourned to the fourth Monday of May next, to take into consideration the subject of internal improvement, and proposing the appointment of a committee on that subject, and concur therein. We have appointed on the part of this body, to join the committee mentioned in your message on the part of your honorable body, Messrs. Mayer and Claude.

The "American" adds—

We learn that both branches of the legislature were in session until near midnight on Saturday, and finding it impossible to despatch the business before them at that sitting, adjourned over until nine o'clock, on Monday, for the purpose of closing the session. The Susquehannah canal bill, which passed the house on Friday with one or two unimportant amendments, and was returned to the senate for concurrence in them, did not finally pass the latter body until Saturday night. It was opposed with great earnestness by Mr. Groome, and supported in a most able and happy manner by Mr. Mayer. Messrs. Morris, Chapman and Emery also participated in the discussion. The vote on the passage of the bill was yeas 7, nays 2.

The legislature adjourned on Monday last, at half past 2 P. M. to meet again on the fourth Monday in May. No business was transacted, except the signing of the engrossed bills, by the governor. Three hundred and twenty-three laws were enacted.

Among the bills passed are several incorporating new banks.

The bill to incorporate the Atlantic rail road company, which had passed the house of delegates of Maryland, was rejected by the senate on Saturday. The object of the bill was to authorise the construction of a rail road from the Virginia (eastern shore) line through Worcester county to the Delaware line.

It is expected, and with the greatest confidence, that a bill to raise a large sum of money for internal improvements, will pass at the May session of the legislature. Indeed, the members seem so pledged by their votes to hold an extra meeting. The bill lately before them, is thought to have failed through misunderstandings and jealousies—and, by grasping at too many objects at once; and we are not sorry that it failed—seeing that it was *ridden* to its death by way of *amendments*, at the moment, as it were, of closing the session.

The Baltimore and Ohio rail road being completed, a glorious result will follow for our city, as taken in connection with other public works, in the west. *The natural sea-port of the west is Baltimore.* It is nearer to lake *Erie** by two hundred miles, and has a more easy and convenient passage over the Alleghanies, than any other route. We have no doubt, that 1,200 persons will daily pass over it, (east or west), in less than six years from this date, if finished in three years. It will link the feelings and good wishes of the whole of the west with our city, and even now vast quantities of travellers and merchandise pass by this route.† A *Wheeling* paper of the 29th ult. says—"Our city still continues filled with strangers. Among others, we have observed several of our acquaintance from Cleveland and other towns on the lake shore, bound to New York for goods. In answer to our inquiries of what brought them this way, the reply was, "*we find it the best route to the city.*" Who would have believed that merchants of Cleveland would find Wheeling and Baltimore their best route to New York? yet, so it is at the present time."

And so will it be at *Pittsburgh—of all, and every thing, that touches upon the Ohio, or the various improvements, (canals or rail roads), leading to the "beautiful river."* The United States too, by the passage of Mr. *Grundy's* bill, will take up this matter; and the making of the road receive an irresistible impetus. Indeed, it is indispensibly necessary that this great line of communication should be made, *for the good of the whole union—for mutual convenience, national defence and the general welfare.* Every hour saved in travelling and transportation, (unless a person travels for his health) is a *national gain.*

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*The yeas and nays for referring the bill to the next legislature (*rejecting it*), were as follows—in the house of delegates:

For the reference—Messrs. Carroll, (of St. Mary's), Primrose, Millar, Iglehart, Hood, Kent, Wailes, Duke, Carpenter, Brown, Hambleton, Dudley, Bruff, Mullikin, McCullough, Nowland, Henderson, Pratt, Worthington, Bryan, Brewer, Duckett, Palmer, Larrimore, Spence, Whitelock, Hearn, Gillies, Boyd, Sutton, Gough, Nelson, Carter, Newcomer, Gittings—35.

Against the reference—Messrs. Gantt, Heard, Dunkinson, Lassell, Kirby, Mercer, Merrick, Dulany, Ely, Carroll, (of Balt. co.) Winder, Long, Teacle, Jones, Dennis, Ford, Hemsley, Kirby, (of Q. A.), Willis, Annan, Duval, Shriver, Turner, Burchenal, Hardcastle, Richardson, McLean, Warton, Brookhart, Beam, McMahon, Matthews, Berry, Frantz—34.

*From New York to Albany is	150 miles,	time 12 hours.
" Buffalo	384 "	" 84 "
" Maumee bay	320 "	" 28 "
Miles	854	123
Distance from Baltimore	650	43½
In favor of Baltimore, saving in distance	204	79½

†An *extra* steamboat is fully employed at *Baltimore*, in bringing on goods from the *north*, for the *west*.

THE PUBLIC MONEYS AND THE DEPOSITE BANKS.

Mr. Cambreleng has reported a bill in the house of representatives, in relation to the public money, the object of which is to afford additional security to the government deposites, to require a more strict accountability from the banks in which these deposites are made, &c. It is entitled "*A bill regulating the deposites of the money of the United States in certain local banks.*"

The first section of the bill makes it the duty of the secretary of the treasury to select and employ as depositories of the public money, such state banks at or near the places where the revenue is collected, as he may deem safe, and as shall agree to perform the duties required of them, under the prescribed conditions. In each of the principal places of collection, at least two such banks shall be employed.

The second section provides that if at any place of collection there is no bank, or none which the secretary of the treasury deems safe, or which being safe will not agree to perform the duties, under the prescribed conditions, he may direct the money there collected, to be deposited in a bank or banks elsewhere.

The third section makes it necessary that, before any bank can be selected as a depository for the public money, that a full statement of its affairs shall be submitted to the secretary of the treasury.

The fourth section prescribes the following conditions, which are imperative on a bank before it can become a depository for the public money—1. It shall furnish to the secretary of the treasury, as often as he may require, not exceeding once a week, particular statements of its condition and business. 2. It shall keep in its vaults an amount of specie equal to one-fourth the amount of the capital stock paid in. 3. It shall pay, when required, the checks, drafts, &c. of the treasurer of the United States on government deposites *in specie*. 4. It shall give, when required, the necessary facilities for transferring the public funds from place to place, within the United States, and for distributing the same in payment of the public creditors, without charging commissions, or claiming allowance on account of difference of exchange.

Section fifth forbids the employment of any bank as a deposite bank, which shall not redeem its bills, on demand, in specie—or, after the 3d of March next, which shall issue or use any notes of a less denomination than $5—or, after the 3d of March, 1838, which shall issue or use any notes of less denomination than $10. Nor shall the notes of any bank be received in payment for government dues, which, after the dates specified respectively, shall continue to issue notes below the denominations mentioned.

Section sixth requires collateral security to be furnished by deposite banks, when, in the judgment of the secretary of the treasury, it is necessary for the safety of the public funds.

Section 7th authorises the secretary of the treasury to enter into contracts with the selected banks in the name and in behalf of the United States.

Section 8th stipulates that no selected banks shall be discontinued as a place of deposite of the public moneys, so long as it shall continue to perform the duties required by this act, and so long as the deposites made in it shall, in the judgment of the secretary of the treasury, continue to be safe. But in failure of either of these alternatives, he shall have power, if congress is not in session, to withdraw the public moneys from any such bank; and in case of so doing, it shall be his duty to report the reasons for such withdrawal, to congress, at the commencement of the ensuing session.

Section 9th directs that until the arrangements contemplated by this act are carried into effect, the banks now employed as depositories of the public money shall continue to be so employed, and on the same terms as at present.

Section 10th makes it the duty of the secretary of the treasury to lay before congress at the commencement of each session, a statement of the numbers and names of the banks employed as depositories of the public money—their condition—and the amount of public money deposited in each. [*N. Y. Adv.*

"EXPUNGING" RESOLUTION.

In senate Thursday, March 31.

Mr. *Morris*, of Ohio, having presented the preamble and resolutions which were passed by the legislature of that state, instructing their senators to vote in favor of the expunging resolution of Mr. *Benton;* and having, on presenting the resolutions, read a written speech, in which he reflected on the conduct of his colleague, (Mr. *Ewing*), in keeping back a copy of these resolutions, which had been transmitted to him; and having declared that the people of Ohio had determined, now and forever hereafter, that the course indicated by these resolutions would be that which they would pursue—

Mr. *Ewing*, of Ohio, addressed the senate to the following effect:

Mr. President: I must ask the indulgence of the senate while I say a few words in reference to the written paper just read by my honorable colleague. That paper seems, from its import, to have been drawn up and designed to exhibit a brief schedule of my past misdeeds in the senate, accompanied with suitable reprehension therefor: likewise to furnish me with all the further instructions that are necessary as to the manner in which I shall deport myself, and the votes that I shall give while here; and, by way of giving the necessary and proper sanction to the whole, something is indicated about the penalty that I incur if I fail to obey the legislature, or if I disregard my honorable colleague's admonitions. All this is, doubtless, very well meant; it is certainly drawn up with much care, and ought therefore to be treated with very great respect.

My honorable colleague was disappointed that I did not present the resolutions of our legislature, instructing me to vote for defacing and mutilating the journals of the senate. I can explain to him why I did not: first, let it be observed, that those instructions were directed to ourselves, not to the senate; it was a paper not regular to be presented—a paper, indeed, which could be received only as a matter of courtesy. I therefore was not bound to present that paper by that principle which requires me to present petitions and memorials, so addressed; it was a mere matter of choice whether I should or should not present it; and as, in my judgment, it reflected no honor upon a state whose reputation I have at heart, I did not obtrude it here upon the notice of this body. If these reasons had not been sufficient to prevent my offering that paper, there were others that would have had some weight. I did not like its contents, and could feel no pride or pleasure in being the organ through which it was communicated here. I knew the case to be different with my honorable colleague, and I would not therefore take upon myself an unpleasant task in order to deprive him of a very pleasant one. It would have been abstracting too much from the general sum of human happiness to have done so.

I did indeed wonder that my honorable colleague delayed its presentation so long. I supposed that he was waiting for some occasion on which he could bring them in with proper effect, when all circumstances would conspire to give it due eclat and that the most favorable occasion hoped for had not arrived. Such was my impression, when once or twice I gave it a passing thought. I did not then know, or suppose, that my colleague expected or wished that they should be presented by my hand, or that he was preparing or compiling a written philippic to read against me in the senate on its presentation. I cannot, I confess, charge him with haste or precipitation. He has had time enough to give the last polish to his much labored production. As for the memorials which I had the honor to present yesterday, they were received by me with the morning's mail. I glanced them over, and found that they *requested* us to do things that must have their origin before committees of one or the other house. As I did not disapprove of the object of any of them, I, in good faith, took the most speedy mode of bringing them before the senate. These, Mr. President, are the reasons why I presented the one set of papers, and not the other.

But, if I agree to the doctrine that the legislature, or rather a party in the legislature of my state, have a right to instruct me, and to require obedience, it does not follow as a necessary consequence that my colleague has the same right; and I believe that the legislature have not transferred their power of me to him, at least I have received from them no directions to obey him. I must, therefore, and with very great respect, decline obedience to the mandates of my honorable colleague, and he will also excuse me if I decline being intimidated by his threats.

My colleague has referred to instructions heretofore given me by the legislature of Ohio, which I refused to obey, and he quotes these instructions as the verdict upon the APPEAL which I then took to the people from the legislature.

He is right in saying that I took such appeal, but he is wrong in averring that this is the verdict upon it. I did, sir, when instructed by a PARTY in the legislature of 1833-'34, to surrender my judgment to the will of the executive, and become the mere instrument of power, instead of the manly representative of a free people. I did refuse to disgrace myself and my state by obedience to such mandate, and I did APPEAL distinctly and directly to the PEOPLE, to pronounce upon the propriety of my course. The result was not an affirmation of the instructions, not the mandate repeated—go and be a slave—but a legislature was returned who, by a large majority, rescinded in 1834-'5 the instructions of a former year, which I had disregarded.

Now, sir, I supposed, and my friends supposed, that there was an end of this matter. Judgment had been pronounced upon the subject by the sovereign power, and few, if any, within the scope of my acquaintance, or so far as I have heard, raised the question again at the elections in 1835. It was not the question upon which that election turned. How then can my colleague say in a prepared paper like this which he has read, where there ought to be accuracy, how can he say that these instructions of 1835-'6 are the judgment of the people on the appeal so taken *two* years before?

As to the instructions which are now presented and laid upon your table, I shall obey or not, according to my own best judgment, and I shall, if other duties do not too much press upon my time, give the reasons which will induce the course I may pursue. If any one inquired of me now, who had a right to an answer as to what that course will be, I would not hesitate to give it; but you may rest assured, sir, of this: it will be open, manly and independent. I will do no weak or criminal or dishonorable act. I will not, in obedience to any dictation, violate my oath as a senator, or join in degrading the body to which I belong. In short, sir, I shall act in this matter, not as the passive tool of a party, but as becomes the representative of an honest, manly and independent people.

Mr. *Morris* made some observations in reply; to which Mr. *Ewing* rejoined—when the resolutions were ordered to lie on the table.

VOTES IN THE HOUSE OF REPRESENTATIVES,
ON THE NORTH CAROLINA CONTESTED ELECTION.
From the National Intelligencer.

TUESDAY, MARCH 29.

The following being the resolution reported by a majority of the committee on elections:

"*Resolved*, That James Graham is *not* entitled to a seat in this house, and that David Newland *is* entitled to a seat in this house"—

Mr. *Rencher*, of North Carolina, having moved to amend this resolution by inserting in lieu thereof the following:

1. *Resolved*, That the depositions which have been communicated to the house by the speaker, and laid on the table since the report of the committee on elections was made, whenever taken upon due notice, will be received by the house, as testimony in this case.

2. *Resolved*, That the five votes taken from the commons box at the Franklin precinct, in Buncombe county, and counted for the petitioner, ought not to be allowed.

3. *Resolved*, That the three votes which were stricken from the petitioner's poll by the judges at Ashville, in Buncombe county, because it appeared by the return of the judges from the Henderson precinct that three of the votes given for the petitioner were given by voters living in Yancey county, and which have now been added to his poll by the committee, ought not be allowed.

4. *Resolved*, That two votes (to wit, Robert Lankford and George Barkly) stricken from the poll of the sitting member by the committee, on the ground that they voted out of their proper county, ought to be restored, because there is no proof that they lived out of the county in which they voted.

5. *Resolved*, That two votes (to wit, Moses Pace and Andrew Morrison) which were proven by parole testimony to have been given for James Graham out of the county in which they reside, and on that account have been stricken from his poll by the committee, ought to be restored, because it does not appear, from the poll books themselves, that either of these men voted at the election.

6. *Resolved*, That Wm. H. Milton ought to be stricken from the poll of the petitioner, because it appears he had not paid a public tax.

7. *Resolved*, That the five votes found on page 6 of the report, which have been counted for the petitioner, but which were not given in at the polls, ought not to be allowed.

8. *Resolved*, That there is no evidence that these men were qualified to vote, not having lived in the county where they offered to vote 12 months immediately preceding the day of election, as required by the constitution of North Carolina, or that they tendered their votes as required by the law of that state.

9. *Resolved, therefore*, That —— —— is entitled to a seat upon this floor as a representative from the 12th congressional district of North Carolina.

After much discussion, the previous question (which cuts off all propositions for amendment of the original report) was demanded by Mr. *Cushman*,* and decided as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, Wm. K. Fuller, Galbraith, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, S. S. Harrison, A. G. Harrison, Hawes, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, R. M. Johnson, Cave Johnson, J. W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, G. Lee, J. Lee, T. Lee, Leonard, Logan, Loyall, Lucas, Lyon, J. Mann, Manning, Martin, John Y. Mason, William Mason, M. Mason, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, F. Pierce, Dutee J. Pearce, Phelps, John Reynolds, J. Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, J. Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—112.

*When Mr. *Cushman* called the previous question, Mr. *Peyton* moved to recommit the report, which motion the chair declared to be out of order. Mr. *Peyton* appealed, and was proceeding to discuss the appeal, when

Mr. *Rencher* asked him to give way, to enable him to make a suggestion. He wished, he said, to make a proposition to the house, under the hope that it would be acceptable to the majority, and thereby enable us to avoid the difficulty and confusion in which we were likely to be involved. The friends of the sitting member did not wish to discuss this subject any further, and all they now desired was a distinct vote of the house upon each of the propositions now before us. He trusted, therefore, that the call for the previous question would be withdrawn, and that we would proceed at once, without debate, to vote upon each of the resolutions embraced in the amendment before the house.

But the call was not withdrawn, and Mr. *Peyton* resumed his remarks upon the question of order.

NAYS—Messrs. Adams, Chilton Allan, H. Allen, Ashley, Bailey, Beale, Bell, Bond, Borden, Briggs, Bunch, John Calhoon, W. B. Calhoun, Campbell, Carter, George Chambers, J. Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, Philo C. Fuller, R. Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Hawkins, Hazeltine, Hoar, Howell, Ingersoll, Janes, H. Johnson, Lawler, Lawrence, Lay, L. Lea, Lewis, Lincoln, Love, S. Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Reed, Rencher, Robertson, Rogers, Russell, Aug. H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, W. Thompson, Underwood, Vinton, White, Whittlesey, L. Williams, Sherrod Williams, Wise—87.

So the previous question was decided in the affimative.

After some further proceedings, Mr. *Milligan* moved to lay the whole proceedings on the table.

Mr. *Rencher* requested him to withdraw that motion. He wished, he said, to make an earnest appeal to the friends with whom he had acted on this occasion. We have (said Mr. R.) from the beginning been anxious to obtain the sense of the house upon each of the amendments which I have proposed, and in which is involved the true merits of this controversy.—The majority do not choose to grant us this reasonable request, but are determined to avoid such a vote. When we have appealed from what we believed to be the erroneous decision of the chair touching our rights upon this floor, the chair and the house have just decided that we shall not be allowed the poor privilege of discussing such an appeal. To this unjust and oppressive procedure of the majority we have offered all honorable resistance. Duty does not require of us that we should go any further. All, therefore, I now ask of the majority is to give us a full vote by a call of the house.

The question on the resolution reported by the committees was then so divided as to take it separately upon each branch of the resolution; and first, upon the following part of it:

"*Resolved*, That James Graham is *not* entitled to a seat in this house."

Upon which the vote was as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, J. Garland, Gillet, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, R. M. Johnson, C. Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, J. Lee, Thomas Lee, Leonard, Logan, Loyall, Mann, Manning, Martin, J. Y. Mason, W. Mason, M. Mason, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, F. Pierce, D. J. Pearce, Phelps, John Reynolds, Jos. Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagner, Ward, Wardwell, Webster, Weeks—114.

NAYS—Messrs. Adams, C. Allen, H. Allen, Ashley, Bailey, Beale, Bell, Bond, Borden, Briggs, Bunch, J. Calhoon, W. B. Calhoun, Campbell, Carter, G. Chambers, J. Chambers, Childs, N. H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, Philo C. Fuller, Rice Garland, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lucas, Lyon, Sampson Mason, Maury, McComas, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Pinckney, Reed, Rencher, Robertson, Rogers, Russell, A. H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, W. Thompson, Underwood, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—87.

So it was determined that James Graham, is not entitled to the seat he occupies.

The question was then taken upon the remainder of the report of the committee, viz: "That David Newland *is* entitled to a seat in this house," and decided as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Craig, Cramer, Cushman, Davis, Donbleday, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillett, Grantland, Haley, Jos. Hall, Hamer, A. G. Harrison, Hawes, Hawkins, Haynes, Holsey, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, G. Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Job Mann, Martin, John Y. Mason, Wm. Mason, M. Mason, McKeon, McKim, McLene, Montgomery, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Duttee J. Pearce, Phelps, John Reynolds, Jos. Reynolds, Ripley, Roane, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrell, Vanderpoel, Wagener, Ward, Wardwell, Weeks—99.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beale, Bell, Bond, Borden, Bouldin, Briggs, Bunch,

John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, N. H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, Philo C. Fuller, R. Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Hazeltine, Henderson, Hoar, Hopkins, Howell, Huntsman, Ingersoll, Janes, Jarvis, J. W. Jones, Lawler, Lawrence, Lay, L. Lea, Lewis, Lincoln, Love, Loyall, Lucas, Lyon, Manning, Sampson Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Reed, Rencher, Robertson, Rogers, Russell, Schenck, Aug. H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Webster, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—100.*

So it was determined that David Newland is not entitled to a seat in this house.

On motion of Mr. *Patton*, of Virginia, it was then

Resolved, That the election held in North Carolina last August, for a representative of the twelfth congressional district of that state, in the house of representatives of the U. States, be set aside, and the seat of such representative is hereby declared vacant; and that the speaker of this house inform the governor of North Carolina of the fact.

The house then adjourned.

IN THE HOUSE OF REPRESENTATIVES.

Mr. *Allan*, of Kentucky, on presenting certain resolutions of the legislature of his state favorable to the passage of the land bill before the senate, said—

He supposed that, by the common consent of every body, the resolutions brought before the house a subject upon which it must act, and which must be disposed of before the adjournment of congress. He was proceeding on Monday last to consider one of the modes by which it had been proposed to get rid of the surplus revenue. That proposition was, to increase the expenses of the government, in military and naval preparations, in a degree and upon a scale never before devised by any American statesman. He agreed, as he formerly remarked, in the maxim, "in the midst of peace prepare for war"—it came from a source and in such a form, as to claim assent from every one; but how, he asked, should we prepare for war? He had adverted to the understanding of the maxim in Europe, which he did not approve; but again said he was willing to accord with the maxim in the American sense and according to the American understanding; and he contended that the country has means not only to provide defences, according to the American understanding, but also to carry out the purposes of the legislature of Kentucky.

Mr. *Allan* then went into statements to show what the American idea of preparing defences in time of peace had been from the earliest period of the government. He read from different messages to show the opinion entertained by the late presidents, and stated that he was willing to go on at the same rate of increasing the expenditure as had heretofore been the practice. It appeared to have been the opinion of statesmen that the naval force was sufficient for all necessary purposes in time of peace; that no more large ships were needed, and that but few more small ones were wanted for the efficient protection of commerce. The opinion had also been entertained that the army and military defences should not be increased. The question then was, whether the house should now enlarge these defences and increase the expenditures, without any other necessity than to get rid of the public funds.

He then alluded to the geographical position of the country, with a sea-coast on the Atlantic of 6,000 miles, and a northern boundary of 3,000, making in all 9,000, which, if fortified at every point, would require an army of many thousand men. It would require a standing army of many thousand men to preserve the fortifications in order in time of peace, and at least forty thousand to man them in time of war. He contended that the country could not rely upon such works, but must rely upon the hearts of the people. The way to make the country powerful was to prepare the people, by a good system, to be ready for defence, and, by a just, equal, cheap and good government, to attach their feelings and wishes to the defence of the nation and the support of its institutions. Oppressive taxation and unequal distribution of public funds, were the means of producing discontent and weakness.

If it were necessary, however, to apply the whole surplus means of the country to defence, he thought there was another and a better mode. The strength of the country, he contended, was not upon the border, but in the centre, and throughout the interior, from whence, in case of attack upon the seabord, the people would rush to the defence of the country; and he argued, at some length, the expediency of appropriating the surplus revenue to the increase of facilities and means, by which troops and munitions could be more quickly transported from one point to another. He thought this mode of preparing for war of the utmost importance, and urged, especially, the construction of rail roads and the improvement of the great highways. This would increase the means of carrying on war, by increasing individual wealth during a peace; by promoting social intercourse; bringing extremities of the country into near proximity; and would produce none of the evils and dangers attendant upon a standing army.

He remarked upon the partiality and injustice of expending all the money upon the seabord for ships and fortifications, and thought that some regard should be had to equality of disbursement. He conceded that, to build a fort in Kentucky, where it was not needed, merely to equalize expenditure, would be ridiculous; but he thought it proper that the public money should be returned in expenditures somewhat in proportion to the taxation. He thought it not strange, when the constitution was adopted by the original thirteen states, and when this system of defence was adopted, as the states were all Atlantic states, that they should have turned their attention to the navy and to fortifications; to the defence of the seabord and the erection of breakwaters; but now the country had come to a point where it was necessary to look westward, and embrace considerations for the benefit of the whole.

Having remarked upon the *first* plan, to leave the money to accumulate in the hands of the government, and upon the *second*, which was to increase the military and naval expenditures, he proceeded to present some considerations in favor of distributing the surplus revenue, derived from the public lands, to the several states, according to the recommendation of the legislature of Kentucky. The country, he contended, had now come to a point in its history when it was important that a new rule of action should be adopted; and that something must be done, at the present session, to decide whether the money should be returned to the people, or whether it should be suffered to go on increasing, to enlarge the influence, strengthen the power, and increase the patronage of the government.

He said, Kentucky had never opposed appropriations for the support of the navy, and would not do so now. He knew its usefulness, and looked upon it with pride; but he expressed his belief that, if the magnificent plan of returning the public money, amounting now to thirty millions, should be adopted, and great works of public improvement in the states should, in consequence, be created, local difficulties and sectional jealousies would diminish, the country would be better prepared to exert its strength in the emergency of war, and individual wealth and public harmony would be the result. Above all, he considered that now was the time when action upon the subject could no longer be delayed. The country had arrived at a point of time when the question must be settled.

Mr. *Hawes* said, the legislature of Kentucky had instructed their senators and requested the representatives to vote for the bill for the distribution of the revenue arising from the sales of public lands among the several states; or, in other words, to vote for Mr. *Clay's* land bill. This was not the first time the legislature of Kentucky had instructed the senators and requested the representatives to vote in a certain manner. In this case it was known that one portion of the representatives intended to vote for the bill; and that another portion intended to vote in a directly opposite manner. He remembered when the legislature of Kentucky, by an almost unanimous vote, directed the representatives to vote for the present chief magistrate. They disobeyed, and elected another man to the chief magistracy. What was the cry then of the gentleman (Mr. *Allan*) from Kentucky? You have no right to request us to vote in a particular manner. We consider it our duty to disobey. We look to our contituents only for instructions, and do not heed the directions of a majority of the legislature. The gentleman (Mr. *Allan*) then disobeyed, but he had now come over suddenly to thank the legislature for requesting him to do that which he intended to do.

He remembered, also, when the legislature was willing to part with its liberty, and, forgetful of the rights and interests of the people, requested the representatives to bow in humble resignation to the United States bank, and to say that that monstrous institution should be the prime lord of Kentucky and of America. Upon that occasion he felt it his duty to follow the example of the gentleman (Mr. *Allan*) and of his leader in the senate, (Mr. *Clay*). He felt it his duty to disobey, and to say that he was not responsible to the legislature for his acts or his doings upon that floor. He would again say it. When he saw the legislature mindful of their own interests and rights, and of the interests and rights of the state, he should feel pleasure in acting as they requested; but when they were acting with party views alone, neglecting their duties, and acting in a way they had no right to do, he felt a pleasure in declaring, in his place, that he should disagree with the majority.

The legislators of Kentucky appeared to have taken it into their heads to elect general Harrison president of the United States, instead of attending to the duties they were sent there to perform. He knew that their senators intended to vote for this bill—one of them, they knew, was its author; why, then, should they take up their time to instruct them to vote for it?

They knew that every opposition man would vote for Mr. *Clay's* land bill, as surely as they knew the sun would rise; and they knew that the friends of the administration would not vote for this monstrous, diabolical proposition. They knew that they were too honest, too independent, too mindful of the interests of the state, to vote for it. The resolutions were got up entirely for political purposes; and he intended, before he got through, to give them a touch of politics, in relation to the person whom they had undertaken to elect.

*☞We are requested to state that Mr. *Johnson*, of Louisiana, who had voted on the preceding question, was absent, from an unavoidable cause, when *this* vote was taken. Had he been present, he would have voted in the negative.

☞Had all the members of the house been present, the result of this vote would not have been changed.

DINNER SPEECHES.

Dinner speeches and toasts are affairs by no means uncommon at the present day. The following have some novelty, from the circumstances that the guests and performers were *deaf* and *dumb*. We copy the account from a late French paper.

On the 6th December, at the Calf's Head tavern, Chatlet square, the deaf and dumb, of various professions and different countries, residing at present in Paris, celebrated for the second time, the anniversary of the birth of their beloved father, the abbe l'Epee. M. Berthier presided at the banquet, where we remarked several gentlemen of distinguished merit. This gentleman is a deaf and dumb professor at the royal institute at Paris. He gave a discourse, by signs, which excited at every sentence, a salvo of applause. M. Berthier concluded by proposing, in the following terms, a subscription for a bust of the abbe l'Epee, which was received with the most ardent acclamations:

"All the deaf and dumb shall take part in it according to their ability; the obolus of the orphan will no more be rejected than the gold of the affluent. Our speaking friends will also join us. This bust will become the standard of our fraternal association. We will place it for the whole year in a sacred oratory, and when the anniversary comes of the birth of our chief, we will raise it anew amid the transports of our joy."

Discourses were afterwards *pronounced* by Messrs. Lenoir, deaf and dumb professor at the royal institution, Fouster, a tutor in the same school, and Gouin, a painter, and they produced the most profound impression on the guests.

Young Ryan, an Englishman of eighteen years old, then arose amid the general curiosity. "It is here," said he, among other things, "that we see how much our universal language is superior to all the partial languages of speaking men, which are confined in a greater or less degree. Honor to the abbe l'Epee! He belongs to the whole world, by the creations of his genius, and the immensity of his benefits. Union between the French and English deaf and dumb!"

The president thought he could not more properly terminate this banquet than by proposing a toast, the effect of which it is impossible to describe!

"The press, it may well be said of it, that it has performed miracles. It has given accents to the people, so long *dumb*.—It has done more—it has forced the great, so long *deaf* to that powerful voice, finally to lend an attentive ear to it. The press—as much, and more than our fellow citizens we place ourselves under its egis. It is to the press we will appeal if fools attempt to debase us, and to deny us an equal intelligence which gives us equal rights in the human family. Grateful deaf and dumb, the press!"

THE SLAVE TRADE.

It is computed that there are now, and have been for some years, notwithstanding several treaties and laws against the slave trade, at least one hundred thousand slaves annually imported from Africa into Brazil, Cuba and other West India islands. The London Quarterly Review urges upon all Christian states, as the only means for suppressing the slave trade in Africa, to decree, what England, our own country and Brazil have already decreed, that the slave trader shall be regarded as a pirate. English, American and Brazilian vessels or captains are rarely found engaged in the traffic. The extent, however, to which it is carried on, is thereby not at all diminished. Thus though participation in the trade is prohibited to the citizens of Brazil, the importation of the slaves themselves is not, and of the hundred thousand annually brought from Africa, about seventy thousand are carried into Brazil. The writer in the London Quarterly states that in the fifteen months ending January, 1835, there sailed from the one port of Havana, *one hundred and seventy* slave vessels, not averaging less than four hundred slaves for each cargo.

It has long been known that one of the most grievous consequences of the slave trade is the continual wars it encourages among the tribes in Africa—the object of which wars is the capture of prisoners by one native sovereign from another, to be sold to the white dealers on the coast. Richard Lander, one of the most recent and most authentic travellers in Africa, who resided some time at one of the native slave markets, relates that when the market is overstocked, the sickly and the old are selected, put into canoes, rowed into the middle of the river, and then thrown in with a weight around their necks to drown. The commissioners at Sierra Leone state, that while the natives are excited by slave dealers to furnish them with a human cargo, on which the profit is enormous, no inducement will tempt them to turn their attention to the procuring of such articles as the British trader can lawfully purchase.

Mr. Maclery, the British commissioner at Havana, gives a computation of the profit upon a cargo of 484 slaves brought from Africa to Cuba. He estimates their cost and expense of transportation at 52,000 dollars, and values them at 145,000, showing a profit of 180 per cent. [*American.*

MR. BIDDLE'S VALEDICTORY.

Mr. Biddle addressed the following letter to his late associates in the directory of the bank United States, in reply to resolutions of compliment passed by them on his resigning the presidency of the old bank United States, to accept the presidency of that chartered by Pennsylvania:

Philadelphia, March 4, 1836.

Matthew L. Bevan, esq. president of the bank of the U. States.

DEAR SIR: I have had the honor of receiving your letter of the 3d instant, with the resolutions of the board of directors, adopted on that day.

I cannot adequately express the feelings which the proceedings have awakened. Such a testimonial from such men, I shall always deem the proudest triumph of my life. To separate from a body of gentlemen, long connected in any enterprise, is naturally painful, but my regret is deepened by the remembrance of the uniform harmony, and the mutual confidence which have distinguished our association, no less than the importance of its object. It was our lot to administer a high public trust, whose very errors would have affected the country; whose mismanagement might have deeply injured it, and whose ordinary difficulties were multiplied by the attempts to prostrate it. Our great effort accordingly was not merely to preserve the institution, but so to defend as not to wound the country, and to protect both from a common enemy. That it was not overthrown—that it went calmly and safely through all these dangers, conferring signal benefits upon the nation—and is now closing its career without inconvenience to the community, and with great advantages to the stockholders, is wholly due to the judgment and firmness of the directors. My own personal contribution was only an honest devotion to its service, which would have been unavailing had I not been surrounded by friends always ready to forgive my own deficiencies, and colleagues always able to supply them. I pray you to convey to them my grateful sense of this approbation, by those who were the nearest witnesses of my conduct, and the cordiality with which their good wishes are reciprocated. Allow me to add my thanks for the kind manner in which you have communicated them, and the assurance of the respect and regard of yours, N. BIDDLE.

FROM BRITISH PARLIAMENTARY DOCUMENTS.

The total value of imports in the kingdom, in the years 1833 and 1834, calculated at the official rates or valuation, were, in the former year, £45.952.551, and in the latter, £49,362,811, being an increase of £3,410,260.

The total value of exports of the produce and manufactures of the United Kingdom, in the years 1833 and 1834, at the official rate or valuation, was, in the former year, £69,689,339, and in the latter £73,831,550! According to the real or declared value, the exports of the same amounted in 1833 to £39,667,347, and in 1834, to £41,641,191.

MANUFACTURES EXPORTED.

	Declared value. 1833.	1834.
Cotton yarn	£4,744,029	£5,205,501
Do. manufactures	13,782,377	15,306,922
Woollen do	6,540,636	5,965,657
Linen do	2,239,030	2,605,337
Silk do	737,494	636,419
Hardware and cutlery	1,406,302	1,485,414
Earthenware	496,963	492,039
Glass	445,845	495,180
Sugar, refined	563,092	915,694

In the course of the year ending the 5th of January, 1835, 6,840.544 gallons of wine were admitted for home consumption, and the total amount of duty received was £1,705,638, at the rate of 5s. 6d. per gallon for all sorts, excepting Cape wine, which pays a duty of 2s. 9d. Of the above quantity there were of French wines 239.630 gallons, and of Cape 524,081 gallons.

The total amount of foreign spirits admitted for home consumption was 1,421.411 gallons, and the duty received £1,588,133, at the rate £1 2s. 6d. per gallon.

Of colonial spirits there were retained for home consumption 3,454,707 gallons, producing a duty of £1,405,390.

The quantity of tea imported into the United Kingdom in the season 1834–5, the first year of open trade, was 41,041,834 lbs. The preceding year the amount was 29,592,310 lbs. The importation of raw silk from China had increased in a still greater proportion.

The quantity of tobacco imported in the year ending July, 1835, was 38,500,000 lbs. of unmanufactured tobacco, and 1,000,000 lbs. of snuff and cigars, of which 38,440,000 lbs. came from the United States. The quantity retained for home consumption was 21,483,000 lbs. and the gross amount of duty received £3,241,985.

In 1834, the total importation of sugar was 4,734,414 cwt. and the duty received about £5,000,000.

The number of factories in the United Kingdom, for the manufacture of cotton, flax, silk and woollen goods, was 3,236; and, of these, 3,160 were at work. The total number of persons employed was 355,373.

The number of steam vessels registered in Great Britain, in July, 1835, was 397, and tonnage 36,849; the number not registered was 84; and those building, 46.

FRAUDS IN PACKING COTTON.

In our paper of 4th inst. we published a circular from the Liverpool chamber of commerce, respecting the fraudulent packing of cotton. A friend has called our attention to the fol-

lowing act, passed by the legislature of this state in 1822, in relation to this subject, and informs us that since its passage, the evil has been remedied, as far as this state is concerned. It is to be hoped that a similar law will be passed in other cotton growing states; and a strict enforcement will put a stop to the disgraceful practice. [*Charleston paper.*

An act to inflict corporal punishment on such persons as may hereafter be convicted of fraudulently packing cotton, and for other purposes therein mentioned.

Sec. 1. *Be it enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same*, That from and immediately after the first day of March next, if any person or persons whomsoever, shall be convicted in any court of sessions of this state, of knowingly and wilfully packing or putting into any bag, bale or bales of cotton, any stone, wood, trash cotton, cotton seed, or any matter or thing whatsoever, or causing the same to be done, to the purpose or intent of cheating or defrauding any person or persons whomsoever, in the sale of such cotton, or shall exhibit or offer for sale any bag, bale or bales of cotton, so fraudulently packed, the said person or persons, at the time of the said exhibit or offer for sale, knowing the same to be so fraudulently packed, shall, on conviction thereof, as aforesaid, for the first offence, be sentenced to pay a fine of not more than one thousand dollars, nor less than ten dollars, and to be imprisoned for a term of not more than six months, and not less than one month.

Sec. 2. *And be it further enacted by the authority aforesaid*, That if any person or persons whomsoever, shall a second time be convicted in any court of sessions as aforesaid, of fraudulently packing any bag, bale or bales of cotton, or exhibiting or offering the same for sale, as before specified and described in this act, he, she or they shall, for such second offence, and every other thereafter, be sentenced to receive not more than twenty lashes, nor less than five lashes on the bare back, and be further liable to all the liabilities which, by common law or otherwise, may now be imposed on such as have suffered corporal punishment.

In the senate house, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the independence of the United states of America.

JACOB BOND PON, *president of the senate.*
PATRICK NOBLE, *speaker of the house of rep.*

INCREASE OF THE ARMY.

The following is a copy of the bill reported in the senate for increasing the army:

A bill to increase the present military establishment of the United States.

Be it enacted, &c. That, in addition to the present military establishment of the United States, there shall be one regiment of artillery and two regiments of infantry: *Provided*, It shall be competent for the president at any time to direct that one of the regiments of infantry shall do duty as riflemen, and the other as light infantry, and the necessary measures for carrying this act into effect shall be taken under the direction of the president.

Sec. 2. *And be it further enacted*, That the laws regulating the present military establishment shall extend to the additional force herein authorised to be raised so far as the same are applicable and not inconsistent with the provisions of this act.

Sec. 3. *And be it further enacted*, That each regiment of artillery and infantry in the service of the United States shall hereafter consist of eight companies; and each company of artillery shall consist of one captain, two first lieutenants, and one second lieutenant, one sergeant major, one quarter master sergeant, three sergeants, six corporals, three artificers, two musicians and eighty-four privates; and that each company of infantry shall consist of one captain, one first lieutenant and one second lieutenant, one sergeant major, one quarter master sergeant, three sergeants, six corporals, two musicians and eighty-seven privates. And, in addition to the present regimental staff, there shall be two sub-adjutants to each regiment, who shall be warrant officers, to be appointed under the direction of the president, with the rank, pay and emoluments of cadets.—And there shall also be two chief musicians to each regiment of artillery.

INDEMNITY LAW.

The following is an authentic copy of the law indemnifying the sufferers by the riots of August last. It was referred in the city council to a joint committee consisting of Messrs. Barnes, Harker and Ball, of the first branch, and Messrs. Carroll, Frazier and Ready, of the second branch.

An act to provide indemnity to the sufferers by certain riots in the city of Baltimore.

Whereas it has been represented, and proven by testimony satisfactory to the general assembly, that on Saturday, Sunday, and Monday, the eighth, ninth, and tenth days of August, in the year eighteen hundred and thirty-five, a tumultuous mob assembled in the city of Baltimore, and lawlessly and riotously assailed, defaced and destroyed, a large amount of property belonging to several citizens of this state, and whereas it also appears fully proven that for several days previous, there were reasons well founded and well known to apprehend such violent proceedings,—also, that when the said mob did assemble, it was not formidable in number or arms; and that the authorities, civil and military, and the people of the said city had ample power, at any time to have quelled and dispersed the rioters, but failed to exercise that power, and suffered the houses and other property of peaceable citizens to be deliberately pulled down, burned or otherwise destroyed from day to day by the said rioters, Now therefore,

Sec. 1. *Be it enacted by the general assembly of Maryland*, That Alexander Fridge, Ashton Alexander, and Charles Howard, be and they are hereby appointed commissioners, and upon refusal to act or death of either of said commissioners, the governor and council shall appoint some person or persons to fill such vacancy or vacancies, with authority to examine and ascertain, by view and by such proof under oath as they shall deem competent and sufficient, the value of the property, injured or destroyed by the said mob, belonging to any person or persons who shall allege in writing by proof under oath, to the said commissioners, that his property was injured or destroyed by the mob aforesaid, and it shall be the duty of the said commissioners, or a majority of them, to make, under oath, to the treasurer of the Western Shore, a return of the estimate of value and damages by them made, specifying the names of the parties injured and the amount of loss or injury sustained by them respectively.

Sec. 2. *And be it enacted*, That, upon receiving such return, it shall be the duty of the treasurer of the Western Shore, to issue to each of said parties, certificates of stock of this state, bearing interest at the rate of five per centum per annum, payable half yearly, assignable and redeemable at the pleasure of the state, for the amount of loss or injury, so ascertained and certified to have been sustained by such party.

Sec. 3. *And be it enacted*, That the sum of twenty thousand dollars yearly, heretofore by the twenty-first section of the act of assembly of eighteen hundred and twenty-seven, chapter one hundred and eleven, appropriated for the purpose of deepening and improving the harbor of the city of Baltimore, be, and the same is withdrawn, and hereby pledged and appropriated to the redemption of the stock aforesaid, principal and interest, to be, by the said treasurer distributively applied to that purpose as the same shall accrue.

Sec. 4. *And be it enacted*, That the mayor and city council of Baltimore shall be and they are hereby authorised to provide for the redemption or payment of the said stock, by assessment and levy, upon the assessable property in the said city, or by a loan, upon the credit of the city, and upon the redemption thereof by the said city, within two years from and after the passage of this act, thereafter as heretofore, the said sum of twenty thousand dollars annually, shall be paid out of the proceeds of duties arising from sales at public auction for the purpose of deepening and improving the harbor of the city of Baltimore, subject always to the control and disposition of the legislature.

We hereby certify that the aforegoing is a true copy of the original law, which passed both branches of the legislature of Maryland, at December session, 1835.

Given under our hands at the city of Annapolis, this 26th day of March 1836.

GEORGE G. BREWER, *clerk house del. Md.*
JOSEPH H. NICHOLSON, *clerk senate, Md.*

THE "RIOT" IN THE HOUSE OF REPRESENTATIVES.

The following is another view of this subject. It is from the *Globe* of Thursday; but receiving only the semi-weekly paper, it did not reach us until the greater part of our Saturday's impression was worked off. It is *one-sided*—as the other accounts were.

BUSINESS OF THE HOUSE.

Contested election—Newland vs. Graham.

The facts are briefly these: Newland contested the election of Graham; both parties proceeded to take various depositions, anterior to the meeting of congress. Each party concluded the same, and the whole was submitted to the proper committee. Neither party desired or expressed a wish to take further testimony. Both were confident of success, and the case was submitted to the standing committee on elections. About the middle of January the committee, after a laborious and minute examination, ascertained that Mr. Newland had received a very small majority of the legal votes. So soon as Graham discovered this, and when the committee were preparing its report, he asked for time to hunt up and take further testimony, to enable him to retain his seat. The committee very properly overruled the application, and determined, under the circumstances, to give no further time to either party to take testimony; as, were this permitted, it would be to keep questions open which ought to be prepared for adjudication at the beginning of a session to the end, and might oust the true member from his seat for the whole term. Shortly after Mr. Graham's application, Mr. Newland received a letter from his agent, informing him that he had discovered important evidence in his favor, and asking whether he should go on to take the depositions alluded to. Newland wrote to his agent that the committee had decided that it would receive no more testimony, and that it was useless to take any more. Graham, however notwithstanding the decision of the committee, and withou

applyng to the house for that purpose, gave notice to Newland on the 30th January, about two weeks after the scrutiny was closed by committee, that he would continue to take further testimony, which he did *ex parte*, and one of the points presented was the admissibility of the testimony thus taken.

The report of the committee was made on the 24th of February, in favor of the petitioner, and the chairman moved to make it the order for the 2d of March. This gave abundant time for the members of the house to look into the testimony and the report. Mr. William Biddle Shepard, of N. Carolina, in order to postpone the discussion and prevent final action till near the close of the session, moved to make it the order for the 23d of March. Mr. Hard, (an anti-mason of New York), moved to recommit the report, to give time, until the 1st of April. These failed.

The report then occupied the morning hour for many days. The discussion, however, was cut off by the arrival of one o'clock, the hour appointed for taking up the special order, (the ordinary appropriation to the naval service); and although many motions were made to suspend the rule to decide on the rights of the member contesting the seat, they were negatived by *the minority* in the house, two-thirds being required to effect this object. The majority at last proposed to change the hour of meeting, so as to obtain an additional morning hour to pass upon the issue betwen the litigant parties; and it was understood that the previous question would be called to close it, unless the minority would agree to fix a special period for its determination. On the 19th of March, after various motions by Mr. Rencher, of North Carolina, (a nullifier), to postpone to the third Thursday in April, and to give the parties "*leave until that time to take further testimony,*" thus beginning anew a five month's contest at the close of the session—it was agreed to fix three days for the final discussion, beginning with the 24th of March. *Thursday*, *Friday* and *Saturday* last were thus set apart for the final disposition of the subject, which had been made to clog upon the business of the house from its first introduction.

On Thursday the case was taken up, and the first thing the sitting member, (Mr. Graham) did, was to make a motion *to permit him to introduce more testimony*. Mr. Hard, of New York, followed this up, with a motion to recommit, and to give further time to take testimony, the house having some days before refused further time. Mr. Hard, *after a long debate, withdrew his motion.*

On Friday, the house debated Mr. Graham's motion to introduce new testimony until it adjourned.

On Saturday, Mr. Graham withdrew his proposition, and Mr. Rencher made a motion to strike out the general conclusion of the committee on the whole testimony, and to insert new propositions, opening up for discussion and for separate issue every circumstance appertaining to each contested vote. This was debated until about half past three o'clock, P. M. when Mr. Graves of Kentucky obtained the floor. He occupied it between seven and eight hours, giving way every half hour, and frequently at shorter intervals, for motions made by the opposition to adjourn and to suspend the rules. Upon each of these motions the yeas and nays were called and taken: the process occupies nearly half an hour. They were taken 12 or 15 times. It was soon apparent that the object was to consume the time, and prevent the majority from taking the question. The majority of the house determined not to be baffled in this way, and refused to adjourn. Upon each refusal to adjourn upon yeas and nays, Mr. *Graves* being entitled to the floor, would resume and continue his speech, travelling over the same ground again and again, and making it manifest to all, that he was speaking against time. At length his strength gave way, he became exhausted, and by a manœuvre, (determined on no doubt previously by those who had determined to prevent a decision) it was so managed as to prevent any competition for the floor. When he came to a stop, it was done, as we are informed, not in the usual way, by taking his seat, and leaving the floor to the member who should rise first, so as to give to all an equal chance to obtain the floor; but in the following manner: at the close of a sentence he made a pause, stood erect in his place, picked up a paper, which all supposed contained his notes, which he had frequently used in the course of his speech; seemed to be looking at the paper, as a speaker would naturally do, with a view to proceed upon some other point whilst standing in this position, having given no indication that he was done, Mr. Calhoon, of Kentucky, who sat by his side, rose and addressed the speaker, to whom Mr. Graves yielded, as was supposed, (until Mr. Calhoon commenced speaking), with a view to enable him to make another motion to adjourn by yeas and nays, as he had done several times before. By this trick Mr. Calhoon obtained the floor, and proceeded to discuss the subject of the election. With a fresh pair of lungs, the arrangement no doubt was, that he was to speak against time, until he became exhausted, when some other of the junto, who had resolved to thwart the majority, and prevent them from acting, was to obtain the floor. And, accordingly, Peyton, Wise, and others of the opposition, had left their own seats, and were collected around him. Mr. Calhoon commenced speaking about eleven o'clock, and shortly afterwards gave way for another motion to adjourn. The yeas and nays of course had to be taken to consume time. The majority continued firm, and determined not to be thus thwarted by the minority, and refused to adjourn. Mr. *Calhoon* spoke until twelve o'clock, when Mr. Lawler, who boards with Wise and Peyton, raised a question about sitting after twelve o'clock, and wished to make a question of order of it, so as to compel the house to adjourn; and if it did not adjourn, at all events to consume time in discussing that question. Mr. *Lawler* addressed his question to the speaker, who told him that he, as speaker, had no power to adjourn the house, until a majority voted to adjourn. Plain as this was, in order to consume time, he took an appeal from the speaker's decision, and of course Wise, Peyton, and the rest, made speeches upon it. Again a motion was made to adjourn, and by yeas and nays refused. To put an end to the question on the appeal, the previous question was moved; and most of the opposition refusing to vote, for the express purpose of reducing the house below a quorum, (only nineteen of the opposition out of eighty present voting), another motion was made to adjourn, when Mr. Adams, and many members of the opposition, refused on yeas and nays to vote. Motions were then made to excuse them from voting; not to require them to vote; and finally by Mr. Wise, who had himself refused to vote, but moved to compel Mr. Adams to vote. Mr. Adams refused to vote, and refused to be excused from voting.

In this way, the whole sitting of seventeen hours was consumed. The object of the opposition was manifest. If they could prevent a decision on Saturday, they knew the special orders on the appropriation bills, by a previous order of the house, would take precedence of all other business, and that it would be impossible, without two-thirds, to take up the subject; and that this might possibly prevent a decision before the close of the session; and thus keep the member in his seat (who the committee had decided was not entitled to it) until the *end* of the session; and if the same game were kept up at *the next short session*, give a full term to a man who is now, by the vote of the house, as well as the committee, proved to have held without right.

During the attempt which was thus evidently made by the minority to frustrate by finesse or force, the order taken by the house for the decision of the question in the three days, the senator from South Carolina (John C. Calhoun) was seen in vehement conversation with one of the principal actors in that scene of violence which ensued, and which had the effect of postponing the final action of the house. Mr. Calhoun was overheard by several gentlemen to denounce in the strongest terms, while in the house, the course of the majority of the house; and there is little doubt but that his instigation had great effect on the overheated partizans with whom he conversed, in producing the tumult which followed. The object of the minority, however, in staving off the decision until after 12 o'clock on Saturday, which was to force an adjournment without fixing a day, and thus put it in the power of one-third to defeat its resumption by the special order which had been suspended for the three days only, was not accomplished. The house resisted all attempts to adjourn, until the same propositions which had been made by some of the majority, (Mr. Mason, &c.) when Mr. Graves was speaking on Saturday to kill time, was adopted. This was to provide that the debate should continue on Monday by special order. This was refused by the opposition, in the hope that the house would be compelled to adjourn over by the intervention of Sunday, and without fixing a day, and so give the minority of one-third a control over the question of the North Carolina election. But the firmness of the majority prevented this, and after a renewal on the part of the coalesced opposition of all its finesse, to prevent a decision, and keep up the harrassing difficulty to obstruct public business, the house closed the question on Tuesday, by declaring the seat vacant, and rendering a new election by the people necessary. For the yeas and nays, and the detail of the various manœuvres of the opposition to embarrass and fustrate the business of the house, we refer to our reporters' columns.

We close our notice of these transactions for the present with a few observations upon the motives and designs of the enemies of order in the house of representatives.

1. Mr. Graves (of Kentucky,) who, on his first appearance in the house, has signalized himself as one willing to thwart its proceedings by the very extraordinary course we have endeavored to explain; in a letter addressed to the Globe, to correct the report in which he is represented as acting, without qualification, with a view to the election of a president in the house, makes the following admission over his own signature:

"*I have desired, since my attention was first directed to this subject, to be enabled from the testimony in this case, if I could conscientiously, to give my vote in favor of him whose opinions approach nearest mine on the subject of the next presidential election, inasmuch as that election may come into the house, and 'the vote of North Carolina may depend on who shall fill the contested seat.'*"

It appears that Mr. Graves did bring himself "conscientiously" not only to support Mr. Graham, as approaching nearest to his views on the presidential question, but also to enter into schemes to postpone the action of the house on the case, and to keep him there against the sense of the majority.

2. It seems that the senator from South Carolina (Mr. Calhoun) entered warmly into the feelings of Mr. Graves and those who co-operated with him, and was not unwilling to appear himself in the house, to add his immediate influence and impassioned promptings in all of the agitation and inflammatory feelings got up by his partizans in the house, and to degrade the house by outrage and confusion, if he could not dissolve it, as he would the union, in bloodshed.

The following letter from Col. *Howard*, one of the representatives from Baltimore in congress, was published in the Chronicle of Monday last has reference to an article copied into our last—see page 77. It is addressed to the editors of that paper.

Washington, March 31st, 1836.

GENTLEMEN:—Your paper of this morning contains an editorial article, commenting in terms of great severity upon the language which your correspondent informed you was used by Mr. Bynum, in the debate which occurred on Saturday night, in the house of representatives. He is said to have threatened to call in a military force, and you justly object, not only to the use of such language on his part, but also to its patient endurance by the house. Although I do not feel it to be always a duty, or claim it as a right to interpose, where your correspondents discuss public measures or criticise the proceedings of congress, yet this case seems to involve such serious matter, that I request the use of your columns, to correct an error, no doubt unintentional, on the part of the person from whom you have derived your information.

I was sitting close by Mr. Bynum, when he made his remarks, and heard distinctly every word that he uttered. No such idea as that of calling in a military force, or in any manner approximating towards it, was expressed by him. What he did say was this: that the minority of the house had interposed delay in the decision of the question, by repeated calls for the yeas and nays, which were attended with no effect except procrastination, and that if the same principle were followed out in the nation, and the minority refuse to acquiesce in the decision of the majority, it must inevitably deluge the country with blood, because no other resort would be left than an appeal to force, civil, in the first instance, and finally, military.

I can easily imagine that, in the confusion and noise which prevailed in the hall, your correspondent might have misunderstood the purport of these remarks; and have no doubt that he and yourselves will gladly remove a censure, which must wound the character of our government and the cause of free institutions throughout the world.

I am, respectfully, your obedient serv't,

BENJAMIN C. HOWARD.

SENATE OF THE UNITED STATES.

FRIDAY, MARCH 25.

The following resolution, offered yesterday by Mr. *Calhoun*, being taken up for consideration—

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing proper measures for the safe keeping of the journal of the two houses and other public records, and of protecting them, by proper legal enactments, from being mutilated, obliterated, erased, defaced, expunged, disfigured, altered, or otherwise destroyed or injured—

Mr. *Calhoun* rose, and said that there is no evil without some accompanying good. The truth of the remark is illustrated by the measure which has occasioned the introduction of this resolution. As unconstitutional and as odius as is the attempt to expunge a portion of the journals of the proceedings of this body, it has had the good effect of rousing attention, for the first time, to the unprotected condition of the journals of the two houses, and the other public records. I have caused diligent search to be made, and the result is, that, with the exception of the 18th section of the act of 1790, to punish certain crimes against the United States, which provides for punishing in certain cases the falsifying for fraudulent purposes the records of the courts, there is no law whatever to protect the public records. As strange as it is, it is no less true, that they may be mutilated, obliterated, falsified, expunged, or destroyed by those in whose possession they are, or any person who may have access to them, without subjecting the person perpetrating the crime to the slightest punishment. Our secretary, who is in charge of our journals, if so disposed, might destroy them before our eyes, without exposing himself to any legal penalty. All who hear me, whatever may be their opinions on particular points, must agree that such a state of things ought not to continue. Setting aside the obligation imposed by the constitution on us in reference to our journals, the great importance of the public records would of itself make it our duty to preserve and protect them with the utmost care. They contain the only authentic account of the proceedings of the legislative and judicial departments of the government, and from them must be drawn mainly the materials for the true political history of the country, to say nothing of the important interests, both public and private, involved in their being preserved free from all alterations or changes, or suspicion of being altered or changed.

But, as sacred as is the duty of adopting the requisite measures for their protection, regarded in the light presented, it becomes far more so, when to that is added the obligation imposed by the constitution on this and the other house to keep a journal of their proceedings. Yes, we are under the obligation of an oath to *keep* our journals—a word of the most comprehensive meaning, and, at the same time, free from all ambiguity, as applied in this instance. It implies that our proceedings shall be fully and accurately recorded, and, when so recorded, that the journal containing them shall be carefully protected and preserved. Without recording it, would be impossible to preserve, while the injunction to record would be vain and absurd, without the obligation to preserve. The very object of recording is to preserve, for the use of the present and all future generations, a true and faithful account of the acts of this body. Such is the extent of the obligation imposed on the senate by the constitution, in providing that it shall keep a journal of its proceedings; and in taking the oath to support the constitution, we have all solemnly sworn faithfully to perform this duty, with the others imposed by that instrument. To discharge this obligation, we are bound not only to abstain from destroying, altering, or in any respect injuring the journals ourselves, but to adopt all proper measures to guard them against destruction, alteration, or injury by others.

The impression that they are our journals, and that we may do with them as we please, is the result of a gross misconception. They, indeed, contain an account of our proceedings, but they belong not to us. They are the property of the public.—They belong to the people of these confederate states; and we have no more right to injure, alter, or destroy them, than the stranger that walks the streets; nor more than we have to alter or destroy the journal of the other house, or the records of the courts of justice. We are, it is true, the representatives and the agents of those to whom our journals rightfully belong; and, as such, are their keepers, placed under the sacred obligation of an oath to perform our duty in that capacity, but which, so far from giving us any right to destroy or injure them, would but add to the enormity of the crime; just as it would be more criminal in a guardian to defraud or destroy his ward than any other person.

In making these remarks, I am aware that no law can restrain us from doing what we may think proper in our official characters as senators; and that, while acting in that character, we are not amenable to any court. It follows, of course, that whatever act may be passed by congress to protect the journals of the two houses, cannot prevent either house from passing resolutions, with a view to mutilate, obliterate, expunge, alter, disfigure, or otherwise destroy or injure their journals, or subject the members to punishment for passing such resolutions; but still a law, making it penal to destroy or injure them, will not be without great and salutary effect in protecting the journals, even against the two houses. We may order the expunging or destroying of the journal either in whole or in part, but we cannot perform the act. That must be the work of an agent. Some one must be ordered to do it; either the secretary, or some one else. Though the order may not make us, amenable to the laws, it cannot exempt the secretary, or whoever may be ordered to perform the odius and unconstitutional act, from responsibility. In a court of justice, on an indictment for the violation of law, it would be so much waste paper when opposed to an act of congress, and an express provision of the constitution. Our secretary, as well as all our other officers, from you (addressing the vice president) to the lowest clerk, are all under oath to support the constitution. Each, when he comes to act, must judge for himself, and act on his own individual responsibility. If the members of this body shall misconstrue or disregard the injunctions of the constitution to keep the journal, that would not justify the secretary, should he be ordered to expunge or destroy the journal. What he ought to do in such an event is a case of conscience; that he must decide for himself; and I do trust that, if the members of this body should be so regardless of the solemn obligation imposed by their oath, as to give such an order, neither our present nor any future secretary would be found wanting in the requisite firmness and virtue to resist an order so clearly unconstitutional. But such may not always be the case, and, in such event, the beneficial effects of proper penal enactments to protect the journals from being expunged or destroyed would be experienced. He who might not be restrained by the sanctity of an oath, may be by the terror of punishment; and a senate, impelled, by party spirit and party discipline, to order the performance of an act in subversion of the constitution, might find itself arrested by the refusal of its selected agent, under the terrors of the laws, to perpetrate the criminal act. Thus, a law to preserve and protect the journals of the two houses, and other public records, by inflicting condign punishment on all who may destroy or injure them, may be found in practice to be an efficient protection against the danger to which they may be exposed in high and violent party times from the houses themselves.

It is too late to suppose that party violence and discipline could not possibly drive the houses to an act so palpably in violation of the constitution, and the high duty they are under to preserve the public record as the precious and sacred depository of the acts of the legislative and judicial departments of the government. After what has already passed here, as well as in several of the state legislatures, the danger can no longer be considered imaginary. As monstrous as it may seem, it can no longer be doubted that those who by the constitution are made the keepers of the journals, their protectors and guardians, may so far, forget their duty as to be the first to aim at their destruction. Admonished by what has occurred, and looking forward to what may hereafter follow from the present attempt, every one be his party what it may, who is desirous to see some restraint imposed on the violence and madness of party, ought to aid to throw around the journals and other public records every guard that may contribute to protect them against the destruction to which the rage of party war may hereafter expose them.

I have great confidence in the committee on the judiciary, and have no doubt, should the resolution be adopted, they will give the subject a thorough investigation; and should their opinion concur with mine, they will, I doubt not, be able to devise the proper measures to effect the important object intended to be accomplished.

Mr. *Niles* said that, as the resolution was merely one of inquiry, he felt reluctant to object to its passage, although he could not perceive the force of the reasons the honorable senator (Mr. *Calhoun*), had urged in its support. Neither had he any objection to the gentleman's discussing, on this question, the resolution before the senate offered by the senator from Missouri; he could, if so disposed, go into that inquiry, and examine the power of the senate over its journal, and its right to correct or alter the same. But he was not disposed to follow the gentleman in this course, or to reply to his arguments on that subject. At the proper time he proposed to offer his sentiments on that resolution. He did not perceive either the force or consistency of the gentleman's reasons for the adoption of his resolution. At one moment he informs us that there are no legal provisions whatever for the security of the public records and the journals of congress; that there is no obligation to preserve them; and that they may be destroyed by any one, by the secretary of the senate himself, with impunity. Then again we are told that the provisions of the constitution are so clear and strong that they cannot be mistaken or perverted, and that they impose on the senate the most sacred obligation, not only to keep a journal, or cause their proceedings to be recorded by the secretary from day to day, but likewise to take care of and preserve the journal. If the gentleman is right in his construction of the constitution, (and I am not now disposed to deny that he is), it appears to me that there is an obligation of the highest nature, so far at least as the senate is concerned. The journal of the senate is a public record of the highest authority, and is so regarded in courts and elewhere—a record which we are enjoined to make and preserve by the constitution, according to the gentleman's construction of the provision relating to this question. How, then, can it be said that there is no security for these records? Is there no authority in the constitution? If it imposes so sacred an obligation on the body, can it be said there is not protection or security for the preservation of our journal? But perhaps the gentleman means that there is no legal sanction—that there can be no punishment for mutilating, defacing or destroying the journal. If the journal of the senate is a public record, and made such by the constitution, is it not a crime to destroy it, upon general principles, upon the principles of the common law? To violate the constitution must be an offence. He felt reluctant to oppose a resolution of inquiry only, but could not perceive, from the gentleman's own view of the subject, that there was that necessity for legislation which he professed to feel, and which he so earnestly pressed on the senate.

Mr. *Shepley* said, ordinarily, I should not be disposed to make any objection to a resolution of inquiry; and if I regarded this as coming properly within that class of resolutions, I would most readily consent that it should go to the committee. From the language of the resolution, as well as from the remarks of the senator who introduced it, we may understand the object of it. The object thus understood, is, by indirection, to withdraw from the regular action of the senate the resolution of the senator from Missouri, proposing to expunge a resolution now upon the journal of the senate. The resolution of the senator from Missouri is now regularly before the senate for consideration, and all the senators have full opportunity to express their opinions upon it. It is right and proper that such opportunity should be given, and that a decision in the usual course should be had upon it. It is not of a character to require that it should be sent to a committee to report upon it. The senate is already in possession of all that relates to its proper action upon it. If, however, it was to be sent to a committee, it ought to be done by a direct motion to commit it, instead of attempting, by the introduction of another resolution, using the very term expunge, to strike a side-blow at that resolution.

The senator from South Carolina seems disposed to dictate to the officers of this body whether they should or should not obey the orders of a majority of the body. The propriety of one member of the senate assuming to prescribe to an officer of the senate, before that officer is called upon to act, what ought to be his course when called upon by a majority of the body to do an act in obedience to it, must be left to the judgment of the senate. It seems to me, to say the least of it, to be a most extraordinary proceeding. I think this resolution should be laid upon the table; but as some other senators may desire to express their opinions upon it, I will not now make the motion.

Mr. *Benton* observed that, in looking over the directory, he found that the committee on the judiciary, like all the other important committees of that body, was composed of a majority of those members who were in the majority in the senate when the committees were chosen. He found that committee to be Mr. Clayton, chairman, Messrs. Buchanan, Leigh, Preston and Crittenden.

Now, every body knew, if this resolution should be sent to them, what the report of that committee would be. The report would, in fact, be the speech of one of these gentlemen on the floor, and the only difference there would be between them would consist in one being dignified with the name of a report, while the other would be simply called a speech. The only object of referring the resolution would be to get a report from the committee adverse to the expunging resolution he had introduced. He should look upon such a report in no other light than the speeches of members of the committee, made up in the committee room. He did not know whether it was perfectly regular, according to parliamentary practice, to take one subject already under the consideration of the senate out of its hands, by sending another immediately relating to it to one of the committees. He was not disposed to make any formal motion upon the subject; but he would observe that expunging seemed to be one part of the business, and the right and justice of the condemnation another; and gentlemen were called upon to consider how far the sentence they had pronounced was consistent with truth and justice, and how far they could entrench themselves behind technicalities, to avoid going before the country on the merits of the case. They were aware (Mr. B. said) that the country had decided on the merits of the sentence they had pronounced, and decided against them. They had better, in his opinion, meet the subject on its merits, than rely on their speeches, worked up into the form of a report, in one of the committee rooms of the senate.

Mr. *Clayton* said that, as a member of the committee on the judiciary, to which this resolution proposed a reference, he was not anxious for the accumulation of labor, nor did he believe that a majority of its members felt any ambition to consider or report upon such a subject as that presented by the *expunging* resolutions. But, in answer to a remark of the senator from Missouri, (Mr. *Benton*), that every body knew, if the resolution of the gentleman from South Carolina (Mr. *Calhoun*) should be sent to them, what the report of that committee would be, he would say that, if the senator from Missouri could foretell the contents of that report, it was more than he (Mr. *Clayton*) could do. The question involved in this resolution is, what legal enactments (if any) are necessary to prevent the forgery, alteration or mutilation of the records of congress? The question upon which the individual members of the committee have heretofore expressed an opinion is a very different one, being merely whether these records shall or shall not be altered or expunged. We have said by our votes, during the last session, that they shall not be altered or expunged, and we have not yet found among us any one who has been guilty of the design to obliterate or expunge these records. The senator from Missouri has nevertheless informed us that we are now divided on this old question as four to one, and his observation was so made as to leave no room for any one to doubt that he referred to the senator from Pennsylvania (Mr. *Buchanan*) as the dissenting member of the committee. Sir, what authority has he for this? How does he know that the member from Pennsylvania has abandoned his whole ground on this question? We all remember that, when the expunging resolutions, as they are termed, were last year called up by me, in obedience to resolutions of the legislature of the state I have the honor in part to represent, and rejected by an overwhelming majority of the members of this body, comprehending men of all parties here, the senator from Pennsylvania expressed himself decidedly against them, and voted with us against them. How does the senator from Missouri, know, then, that this gentleman is now prepared to reverse his vote? Then, as to the real and only question before the senate, whether any and what legislation is necessary to protect the journals from frauds, forgeries or mutilation, I defy the senator from Missouri to point out an instance in which any one member of the committee has ever expressed any opinion on the subject, or to show the slightest foundation for his opinion that others know what the contents of our report will be. No, sir; this question is now presented for the first time, and, although we do not court the inquiry, for reasons which must be manifest to others, yet we shall not shun it if the senate really desires to secure the public records of the country against the open exercise of lawless power or secret frauds.

Mr. *Walker* said that there was at least one objection to the motion, as it now stood, of the senator from South Carolina, (Mr. *Calhoun*), which he thought it proper to state to the senate. That motion asked to be considered by a committee of the senate "the expediency of providing proper measures for the safe keeping of the journal of the two houses." Now are we not attempting by this motion to assume jurisdiction in relation to a matter over which we have no constitutional control? The constitution says "*Each* house shall keep a journal of its proceedings." What right then has the senate to direct the proper measures for the safe keeping of the journal of the other house? Each house is to keep a journal only of its own proceedings. What right then have we to direct the method in which the other house shall keep its journal? The constitution requires two journals to be kept, one by each house; journals that are distinct and separate; journals that the constitution requires to be kept distinct and separate, and by different journals; and yet we are asked to blend these journals into one by a new species of political fusion, and direct the mode in which the other house shall keep its own journal, in defiance of a clear constitutional provision, conferring upon each house separately the sole prerogative of keeping its own journal. This distinction cuts deeper into the question of the expunging resolutions now before this body, and conceded to be sought to be reached by this motion, than perhaps the gentleman from South Carolina supposes. This distinction (sought to be broken down by the adoption of this motion) demonstrates that each house has the exclusive control over its own journal, and can alone direct the manner of keeping the journal of its own proceedings. The manner of keeping each of these journals is to some extent designated by the constitution, and the very distinction which Mr. W. said he had alluded to demonstrated that to keep

a journal of our proceedings meant only to note down an account of our proceedings from day to day; for, had the constitutional provision related to the preservation of a journal of both houses after it was made, it would not have left this direction to the mere naked operation of a separate rule of each house after the journal of the two houses was made. The whole direction is to make a journal, and the manner in which that shall be done is directed by the constitution. Each house is to make its own journal of its own proceedings; it is then to publish that journal. The direction is to publish, not to preserve, unless, indeed, publishing the journal was considered the best mode of preserving the journal. Had the direction, indeed, been to congress to keep a journal of its proceedings by the operation of some law to be made in pursuance of a constitutional injunction, then, indeed, might there have been some ground to contend that to keep a journal meant to preserve a journal already made. But as the constitution now stands, every moment that the secretary is noting down our proceedings here, from day to day, he is infilling for us the constitutional injunction upon the subject of keeping a journal. If this clause in the constitution had any other meaning, and some law were required upon a subject that is confided to the exclusive separate authority of each house, it is most extraordinary that the discovery is just now made after the lapse of nearly half a century since the adoption of the constitution. No law is required, none can be made, to direct the manner in which we shall keep our own journal. But the resolution of the gentleman from South Carolina contemplates "legal enactments;" enactments which that gentleman has conceded are designed to operate upon this body, and to prescribe the mode in which it shall keep its own journal; legal enactments to interfere with a subject confided by the constitution to the exclusive separate control of each house. Mr. W. denied the constitutionality of any such enactment. This direction as regards keeping a journal was, in that section of the constitution, designating only the separate powers of each of the two houses, not their legislative powers in their joint capacity as the congress of the United States. As well might you attempt to legislate, as regards our sole power to judge of the qualifications of our own members, or the determination of our own rules of proceeding, as to regulate by law the manner in which we shall keep our own journal. Mr. W. said he should, therefore, oppose the adoption of this resolution.

Mr. *Ewing*, of Ohio, said he thought the doctrine advanced by the senator from Mississippi somewhat extraordinary. I cannot, (said Mr. E.) comprehend how a *law* to preserve our journals, which the constitution requires us to preserve, can be a violation of the constitution. It is very true congress has no power to pass a law directing *how* we shall keep the journal, nor what we shall enter upon it—for that matter is entrusted by the constitution to each house of congress for itself; but I really cannot comprehend wherein the resolution proposed by the senator from South Carolina militates against that constitutional provision.

Mr. *Walker* explained that the resolution of the gentleman from South Carolina went further, at least to the safe-keeping of the journals of the other house, with which we had nothing to do; and as regards any legal enactments in regard to our own journal, it was conceded by the gentleman from South Carolina, that his object in this resolution was to prevent by law any expunging of our own journal, by any order even of this body; that he sought to regulate by law the manner in which we should keep our own journal, and, therefore, the the object thus embraced in this resolution was at least so far unconstitutional.

Mr. *Ewing* resumed. The senator from South Carolina has very well observed that our records are now unprotected against any act of violance that any one may choose to perpetrate upon them. If an individual not at all connected with the senate, or with the keeping of the records, should lay hands on them, and violently destroy or deface them, what could the senate do? Punish him for a contempt, if done in the face of the body in session; if done at any other time, we are wholly powerless. One gentleman has said the constitution is a sufficient protection of the records. How so? Where is the penal sanction for destroying what it requires should be kept? There is none. No indictment could be framed under it, for the *common law* has no effect in this union in cases of crime. So far, then, from such a law as is proposed violating the constitution, its effect would be to enable each house of congress more effectually to *protect* and preserve what the constitution requires them to keep. It would be placing a guard, by law, around those records which the constitution says shall be preserved.

As to the effect of such a law on the resolutions of the senator from Missouri, it depended wholly on the constitutional power of this senate to destroy or obliterate the records of the last. If they have the power under the constitution, the order of the senate would justify the secretary in making the erasure. If we have no such power, he would be criminal, notwithstanding such order.

Mr. E. said he was under the impression that the public records of all the states were protected by law. He was very certain that they were so protected in Ohio, and that to alter or deface them was a crime. He saw no reason why the same protection should not be extended to the records of the general government.

Mr. *Shepley* here moved to lay the resolution on the table, and this question was decided in the affirmative, as follows:

YEAS—Messrs. Benton, Cuthbert, Ewing, of Illinois, Hendricks, Hill, Hubbard, King, of Alab. King, of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Shepley, Tallmadge, Walker, Wall, Wright—19.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing, of O. Kent, Knight, Manguin, Moore, Robbins, Southard, Swift, Tomlinson, White—15.

PENNSYLVANIA LEGISLATURE.

House of representatives.

REPORT OF THE COMMITTEE.

The committee charged to inquire into the circumstances of the attempt alleged to have been made by Henry W. Conrad, a member of the house of representatives, from the county of Schuylkill, corruptly to influence and bribe the vote of Jacob Krebs, a member of the senate, from the senatorial district, composed of the counties of Berks and Schuylkill, in reference to the bill entitled, "an act to repeal the state tax on real and personal property, and to continue and extend the improvements of the state by rail roads and canals, and to charter a state bank, to be called the bank of the United States"—Report

That they have carefully examined into all the facts connected with the transaction referred to in the resolution, and caused to be reduced to writing the testimony of all the witnesses examined, which is herewith transmitted for the consideration of the house. It appears from the testimony, that on the tenth day of February, ult. Jacob Krebs, a member of the senate, stated in writing to the senate as follows:—

"About the 30th of January last, or the 1st of February inst. Henry W. Conrad, esq. told me that I would be made independent, if I would vote for the bill chartering the bank of the United States; that I could for certain get twenty thousand dollars, and that if I agreed to do so, that Burd Patterson would make the arrangement with me for the same; that I could get it in two weeks after the bill had passed into a law. I told him that the United States bank had not money enough to buy my vote."

He was supœnaed as a witness before the committee, and repeated the same statements under oath. The representation originally made by him to the senate, and in earlier communications, to his constituents and others, were calculated, and without doubt intended to induce the belief that the bank of the United States, through its agents, had endeavored to procure a charter by dishonest and dishonorable means, consummated by an attempt, if not an actual purchase of one or more members of the legislature. The committee deem it of great importance to ascertain whether the bank were guilty of such attempt, and if not, whether the propagation of such belief arose from honest ignorance or wilful misrepresentation. If the bank of the United States and its agents were guilty of such corruption, *it* and *they* merit the unmingled indignation of the public. If they be innocent, and any member of the legislature rashly and ignorantly not only charged them with it, but thereby laid open to suspicion the conduct of many members of the legislature, it would be difficult for the most enlarged charity to look upon him without abhorrence. But if such slander were the result of deliberate and wilful design, its author deserves to have a mark fixed upon him, that hereafter he may be known whenever he walks forth among honest and confiding men.

The testimony proves that, while the bill referred to was pending before the legislature, Henry W. Conrad informed Mr. Krebs, "*that fortune awaited him; that if he would vote for the bank bill, he could retire from public life independent; that he could receive* 20,000 *dollars for his vote in two weeks after the bill became a law; that Burd Patterson was ready to make the arrangements with him.*" Such was the testimony of Mr. Krebs, who swore that, at the time, he believed Mr. Conrad serious in the proposition; from what he has since heard him say on the subject, he believes him serious in the assertion, that he was authorised to make such proposition; but says that he did not consider Mr. Conrad as desiring him to accept the offer. Mr. Conrad has produced evidence to prove that he had no desire, and did not attempt to induce Mr. Krebs to accept the bribe, although he admits that he communicated to him such an offer; and has taken especial pains throughout the whole investigation to prove, and has fully satisfied the committee, that he repeatedly and earnestly asserted and attempted to make others believe that such a proposition had been made to him, and that efforts were making by the bank to bribe the senate.

No testimony has been produced to create the slightest suspicion that the bank ever authorised any person to make any such overture; or that it ever was made to Henry W. Conrad by Mr. Patterson or any other person. On the other hand, Mr. Patterson, whose character for truth is unimpeached, and who is proved and admitted to be a gentleman of proverbial honor and honesty, unequivocally denies ever having said any thing to Mr. Conrad which could be mistaken for such a proposition; and he as positively asserts that he never had any agency from or in connection with the bank of the United States. His testimony is corroborated by Mr. John Weaver, a witness called by Mr. Conrad, who was present at the conversation between Mr. Patterson and him.

The committee are therefore constrained to declare their belief, that the allegation made by Mr. Conrad, that he was authorised by Mr. Patterson, or any other person, to tender to Mr. Krebs any pecuniary reward or personal advantage as the consideration for his vote, is wholly destitute of truth, and the mere fabrication of Mr. Conrad. Nor can they believe that at the

time he *first* made the declaration to Mr. Krebs, he intended to be understood, or was understood by Mr. Krebs, or by those who heard him, as *seriously* attempting, or asserting that others would attempt corruptly to influence the vote of the senator.—It was said in a jocose and rallying manner, in a public tavern, in the presence of six or eight gentlemen; the whole conversation was in so loud a voice as to be distinctly audible in the adjoining bar-room, which was filled with company, and the door between the two rooms open. It is hardly credible that men of common prudence would seriously make a corrupt proposition under such circumstances; or that it *could* be so understood by discreet men. This opinion is corroborated by the neglect of Mr. Krebs, *for ten days* to communicate the facts to the senate; and then only doing it after a vague rumor of their existence had reached that body from the distant county which he represents, and upon a formal resolution calling upon him for information. Had he believed such attempt to be serious his duty required him promptly to bring the matter before the senate, and demand the punishment of the principal and the agent. And his honor and integrity could not fail to be deeply compromised by his failure to do so. Equally imperative also was it on Mr. Conrad to have informed the house of the foul attempt to make him the corrupt agent of so iniquitous a transaction, that the offender might be dealt with according to his merits.—To suppose that Mr. Conrad had received such a proposition, or that Mr. Krebs so believed, and yet concealed it from the legislature, would argue them so insensible to the insults of corruption, and be so high an impeachment of their characters, as to deter the committee, without convincing proof, from coming to those conclusions. They, therefore, unequivocally aquit Mr. Conrad of the charge of attempting to bribe Mr. Krebs, or of having become, or being desired to become an agent for that purpose. And they regret that such acquittal involves him, under the evidence before them, in the conviction of practices no less iniquitous, and guilt no less censurable than bribery itself; and they withhold the same remark from Mr. Krebs, for no other reason than want of jurisdiction over him.

The committee believe that a deliberate plan was concocted beyond the limits of Pennsylvania, to control the deliberations of the legislature by the pressure of the people acting under an excitement created by incendiary falsehoods, sent forth upon responsible authority, charging the bank with bribery, and the senate with interested treachery. And it is much to be regretted that fit instruments for the execution of such a plot, were found among the representatives of the people, who were willing not only to tarnish the character of the legislature of this commonwealth but to sacrifice its interests to the unprincipled dictates of PARTY. In the prosecution of such design, as is believed, Mr. Krebs wrote to his friends in Schuylkill under date of the 20th of February, 1836, the inflammatory letter which accompanies the testimony; in which he stated "*that he had been called upon often by men in favor of the bank, and that he could have had* $20,000 *for his vote.*" He testifies that when he wrote this letter, he knew that a meeting was about to be held in Schuylkill county, in which he designed the letter to be read. Charles Frailey, to whom it was directed, testified that he received another letter from Mr. Krebs, *by the same mail*, requesting him to read the "letter" to the meeting, but not to allow it to be made a part of their proceedings. Thus evidently intending to produce a violent impression upon the public mind, and conceal the cause, that it might *appear* to be the spontaneous indignation of the people against the provisions of the bill, and to prevent, by concealment, the detection of the falschood.—Mr. Conrad, about the same time, had occasion to visit Schuylkill county, when he repeatedly asserted that he and Mr. Krebs were offered bribes of 20,000 to support the bill. He even went so far as to point out on a printed list of senators which he hung up in a public house at Pinegrove, the names of eight senators who had voted for the bank bill, and who he said were "BOUGHT OR BRIBED." The contents of the letter thus written by Mr. Krebs, and the declarations of Mr. Conrad, come to be shown at Harrisburgh, and Mr. Krebs prevailed upon to make a similar statement for publication, which was extensively circulated in handbills throughout the state. Hitherto the name of the agent had not been given by Mr. Krebs, and it is extremely doubtful whether at the time he wrote his "letter," he had any particular person in view. Certain it is, that had he named Mr. Conrad as the agent, the plot would have failed of effect and been deemed ridiculous, as he belonged to the same political party with himself, and had been, and was a uniform and intemperate opponent of the bank. But when the charges which he had sent forth were discovered, and he was called upon to answer for them before the senate, he took advantage of the casual and unmeaning remarks of Mr. Conrad, to shelter himself from the consequences of detected calumny. And Mr. Conrad, finding himself charged with being the author as well as the propagator of the slander, attempted to divert public indignation from himself and fix it upon another, by boldly maintaining the reality of the corrupt proposition. These, as far as we are capable of judging, are the facts and the motives of the actors in these humiliating scenes; disgraceful alike to Mr. Conrad, whether we consider the proposition as having been actually made to him, and by him communicated to Mr. Krebs, but concealed from the house; or, whether we deem it a sheer invention industriously propagated for the purpose of bringing disgrace upon the bank and the senators, and of deceiving the people. Whether we adopt the former or latter supposition; whether we award the front rank in this inglorious race to him or to Mr. Krebs, can be of but little importance; in either event, he will have acquired sufficient notoriety to secure to himself an immortality of infamy.

The committee feel great delicacy in attempting to recommend to the house the ulterior measures which it may be necessary to adopt. If we are correct in the opinion that Mr. Conrad has resorted to wilful misrepresentations to bring odium upon honorable men for the faithful discharge of their official duties, no punishment, in the power of the house to inflict, could be deemed disproportionate to the offence. Justice and self-respect would seem to require that the house should be purged of his presence. But his expulsion would create the necessity of a special election, which would be expensive and burthensome to his constituents. The committee are unwilling to recommend a measure which would involve the innocent with the guilty. They therefore submit to the house the following resolution:

Resolved, That on the eleventh day of March, Henry W. Conrad be placed at the bar of the house, and publicly reprimanded by the speaker.

—

REPORT OF MR. WOODWARD.

Whereas, Jacob Krebs, a member of the senate, has stated on the floor of the senate, that Henry W. Conrad, a member of this house, attempted corruptly to influence and bribe him to vote for a certain bill, then pending before the senate;

And whereas, if such be the fact, and such attempt were seriously made, the said Henry W. Conrad is unworthy longer to be a member of this house, and deserves to be forthwith expelled therefrom;

Therefore,

Resolved, That a committee be appointed to inquire into the allegation above cited, with power to send for persons and papers, and that due notice of this investigation be given to the said H. W. Conrad.

The undersigned, from the committee appointed agreeably to the above resolution, regrets that he is unable to agree with the report of the majority of the committee.

The undersigned believes that under the resolution, the committee had authority only to inquire, whether Henry W. Conrad had "attempted corruptly to influence and bribe" Jacob Krebs, a member of the senate. It is not in evidence before the committee, that Henry W. Conrad did so attempt to influence and bribe Jacob Krebs, and therefore he, the said Henry W. Conrad, is not guilty of the charge of bribery, or an attempt to influence the vote of Jacob Krebs, upon the bank bill. The undersigned believes that from the resolution, the committee had no right to inquire further into the conduct of Henry W. Conrad, than it was identified with the allegations set forth in the resolution; and although he has not had the opportunity of examining the evidence as taken by the clerk of the committee, he feels justified in saying from his recollection of the evidence, that at the time the attempt to bribe Mr. Krebs, (as alleged in the resolution), Mr. Conrad had no intention to influence the vote of Jacob Krebs, upon the question of the bill to which the resolution refers.

The duties of the committee being specific, as the resolution which created that committee shews, it could not be expected of the committee to inquire further of the conduct of Henry W. Conrad, than was plainly understood by the language of the resolution; and, in the opinion of the undersigned, the inquiry should there have stopped.

But after having the evidence of Mr. Krebs, and the evidence of Messrs. Irish, and Ulrich and other witnesses, that Mr. Conrad did not attempt to bribe or influence the vote of col. Krebs, Mr. Conrad offered testimony to prove that he was serious in his charges, that the friends of the bank had bribed, or bought the votes of some senators, for the bill in which the United States bank is re-chartered.

In the opinion of the undersigned, H. W. Conrad ought to have let the house (of which he is a member) known that Burd Patterson had offered him, or through him, Jacob Krebs money if the bank bill passed. If Burd Patterson ever made an offer to Mr. Conrad or any other member of the house, when he made such offer he was in contempt of the house, and it was the imperative duty of the member to whom such an offer was made, to inform the house, and in the opinion of the undersigned, Mr. Conrad is highly censurable for not letting the house know that Burd Patterson had made the offer if the bank bill passed. The undersigned will refer the house to the testimony, from which all can form an opinion. But while he would rejoice and congratulate the house, as well as the friends or enemies of the bank, upon the fact, that the supposed or alleged bribery, originated with Henry W. Conrad or Burd Patterson, and with them it rests that neither the friends or enemies of the bank, are chargeable as a body, party or association, with an attempt at bribery, or to influence the vote of any one.

The undersigned, therefore offers the following resolution:

Resolved, That for the unguarded expressions, out of the house, in relation to the bank bill—the impressions he intended to carry to the public, but which were unfounded, that the bank had attempted to bribe a member of the senate, Henry W. Conrad is censurable as a member of this house.

NATH. A. WOODWARD.

—

REPORT OF MR. DEWART.

The undersigned, one of the committee appointed to inquire into the allegation, that H. W. Conrad, a member of this house,

attempted corruptly to influence and bribe Jacob Krebs, a member of the senate, to vote for a certain bill then pending before the senate, dissents from the report of the majority of the committee, and submits the following reasons:

I have carefully attended to all the evidence adduced in support of the charge against Henry W. Conrad, and given it that reflection which the importance of the subject required. However much I may feel disposed to disapprove of his conduct, yet I cannot see any thing in the evidence which would warrant me in coming to the conclusion that he designed or attempted corruptly to influence or bribe Jacob Krebs, a member of the senate, to vote for a certain bill then pending before that body: on the contrary, I believe the evidence established just the reverse, the said Jacob Krebs, having denied, on oath, that such attempt was ever made by the said Henry W. Conrad. I therefore have come to the following conclusion, that the said Henry W. Conrad is not guilty as charged—Therefore,

Resolved, That Henry W. Conrad be and is hereby discharged; and

Resolved, further, that the committee be discharged from the further consideration of the subject,

All of which is respectfully submitted,

LEWIS DEWART.

Harrisburgh, March 9th, 1836.

THE REPRIMAND.

The following is the reprimand pronounced by the speaker of the house of representatives of Pennsylvania, upon *Henry W. Conrad*, the hero of the celebrated bribery case. We can scarcely conceive of a situation more replete with all the elements of mortification than that of Mr. Conrad. He has resigned since.

"Henry W. Conrad—This is the day on which I have been directed by the representatives of the people of Pennsylvania, publicly to reprimand you for a violation of the duties which in their opinion, are due to them and our common constituents. I need not say that it is to me a source of deep regret, that any member of the legislature of Pennsylvania, should be placed in the relation to the house, and the country which you occupy, and that my official station compels me to execute the judgment of your fellow members. The judgment has been deliberately formed, after having fully heard your case, and the result is, that you have been found guilty of an attempt to mislead public sentiment at the expense of the character and reputation of the legislation of our commonwealth, and vilify and calumniate grossly, those with whom you were in the habit of daily communion. The object of the evidence offered by you to the committee, was to show that the conversation you had with the senator from Schuylkill, was purely jocular, and that you so considered it. Supposing it to be, it has seemed to this house, that your subsequent conduct, in representing that an attempt to bribe a member of the legislature, has been seriously made, and your repeated assertion in public places, that senators and representatives had been bribed was in utter dereliction of your duty as a man of honor, and an abandonment of that high integrity and purity of purpose which should distinguish a representative of a free and honest people.

"Had not the public mind been disabused, and the antidote of truth met and subdued the venom which a combination of designing men had endeavored to circulate, the most disastrous consequences must have ensued; confidence in the purity of popular representation would have been destroyed; great enterprises of public benefit arrested; the character of the commonwealth stigmatized, and the triumph of those at home and abroad, who would rejoice to see your native state degraded from her primary rank in the union, and subjugated to pernicious influences from abroad, would have been complete; and among the active agents in this disgraceful conspiracy you would have been found. It is a source of gratitude to every honest freeman in Pennsylvania, that such success was not achieved, but the pleasure which such a result occasions, is greatly qualified by the conviction which has been forced upon us, that you at least, are entitled to no exception from the emphatic condemnation to which a share in this wicked and disgraceful scheme justly subjects you. It is not necessary that more should now be said on this painful subject, and in mercy to your feelings, I readily abridge my part in the painful exhibition of this day. In conclusion, in obedience to the order of the House, in the name of the people of Pennsylvania whose representatives we are, and whom, through us, you and your confederates have traduced; I solemnly and emphatically reprimand you."

From the Harrisburgh Reporter and State Journal.

On Friday last, Mr. *Conrad*, in the exercise of his privilege as a member, presented to the house the following protest against the unwarrantable punishment decreed to be inflicted upon him, on account of his opinions of the motives which induced certain senators who were elected as *anti-bank democrats*, to vote for the recharter of the United States bank:

The undersigned respectfully begs leave to place the following statement of facts in relation to himself, and his reasons against the proceedings of the house upon the subject, on the journal of this house.

On the eleventh day of February last past, the house adopted the following resolution:

"Whereas, Jacob Krebs, a member of the senate, has stated to the senate, that Henry W. Conrad, a member of this house, attempted corruptly to influence and bribe him to vote for a certain bill, then pending before the senate: And whereas, if such be the fact, and such attempt were seriously made the said Henry W. Conrad is unworthy longer to be a member of this house, and deserves to be forthwith expelled therefrom.—Therefore,

"*Resolved*, That a committe be appointed to inquire into the allegation above cited, with power to send for persons and papers, and that due notice of this investigation be given to the said Henry W. Conrad."

Under this resolution, the committee proceeded to investigate the subject; and acquitted the undersigned most unequivocally of the charge contained in the above resolution. They proceeded, after having thus acquitted him of the alleged offence, to inquire into other matters not embraced in the above resolution, of which neither he nor the house had the least notice, and reported a variety of charges and insinuations against the undersigned, which he firmly believes to be *untrue* in point of fact, not warranted by the evidence in the case, and concerning which the house had not authorised them to make any inquiry. Founded on this report, the committee introduced the following resolution:

"*Resolved*, That on the 26th day of March, Henry W. Conrad be placed at the bar of the house and publicly reprimanded by the speaker."

The house have adopted it by a *minority* vote, and the undersigned has been duly notified thereof.

Against this proceeding of the house, he now respectfully asks to enter his *solemn protest;*

Because, the committee had no authority to make such report, or introduce such a resolution:

Because, the charges are not specific, nor does any one of them amount to an offence or a contempt against the dignity of this house:

Because, the alleged offences, if any, are against the senate or some of the members of the senate, and not against this house or any matter before it:

Because, the alledged words spoken, were not in the presence of this house, nor relating to any thing before it, nor about it, are not in contempt or violation of its rules:

Because, the words charged to have been spoken, if true, as reported, were nothing more than an honest expression of the undersigned's opinion, and this right is guaranteed to him by the constitution of his country, and every principle of liberty:

Because, for an offence committed out of this house, not relating to it, or its members, expulsion is the only punishment which this house can inflict; and to reprimand, or attempt to reprimand, would be a palpable usurpation of power and violation of the constitution of Pennsylvania.

For these reasons the undersigned denies the power of the house to punish in the manner proposed, and begs leave to inform the house that he PROTESTS against being made the instrument for this house to violate the constitution, wrong his constituents, and to render insecure for all time to come the rights and privileges of the representatives of the people in this body.

He is unwilling that his case shall stand silently on the journal of this house, as a precedent, which may hereafter be used for the worst and most dangerous purposes, without proclaiming at the same time, his reliance on the constitution of his country as the safeguard of his rights. If that fails him, he submits with confidence to the tribunal of public opinion, the rejudging of this vitally important question.

HENRY W. CONRAD.

House of representatives, March 25th, 1836.

Mr. Stevens moved that this protest *be entirely rejected*, and was sustained by the house, by a party vote of 53 to 23.

Yesterday, (Monday), Mr. Conrad sent in his resignation in the following terms:

To *Ner Middleswarth, esq. speaker of the house of representatives:*

SIR: The house of representatives, of which I am a member from Schuylkill county, appointed a committee on the 11th of February last, to inquire into my conduct on a certain charge. On that charge the committee acquitted me, but reported a resolution to reprimand me for certain "practices" concerning which it was not directed by the house to make inquiry, and based that resolution on certain facts contained in the report. These facts in all material respects I believe to be unfounded, and the right of the house to pass such a resolution altogether questionable. The house nevertheless passed the resolution. I was forcibly arrested by your sergeant at arms, brought to the bar as a criminal, reprimanded by the speaker in terms of unusual severity, and I now feel that my constituents are humbled and degraded in my person to a degree which neither they nor I can tranquilly bear. I was also denied the right of placing on the journal of the house, my reasons against its proceedings. I am anxious that my constituents shall be represented by a member who can be heard in their behalf, and who is known to possess their confidence. I therefore respectfully resign my seat in the house of representatives, so that another election may be immediately held to fill it by the adjourned session, and my own character and conduct I cheerfully submit to the scrutiny of my constituents. Respectfully yours, &c.

HENRY W. CONRAD.

Harrisburgh, March 28, 1826.

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 7—VOL. XIV.] BALTIMORE, APRIL 16, 1836. [VOL. L. WHOLE No. 1,282

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

It is difficult to pass along Market street—the pavements are so much filled with boxes and other packages. The largest, and it is said by far the *best*, business, has been done in *Baltimore* for the last four months, that ever was transacted in this city—and still the assortment and supply is stated to be beautiful and large. Such are among the benefits of having had an *open* harbor during the late severe winter—and our proximity to "the west." A few days past, a neighbor counted, at one time, no less than *fifty-three drays*, laden with a great variety of goods for the steamboat Rappahannock, for Fredericksburg! It is pleasant to stop and see the operations at the rail road depot. A great business is doing there! Indeed, the whole appearance of things in Baltimore is delightful, to persons conditioned as we are, generally chained down to the desk—when allowed to take a brief walk, and see and hear the "busy hum" of industry and the cheerfulness that prevail.

—

The *Baltimore Gazette* says—

The great and apparently unaccountable delay of congress in making the necessary appropriations for the payment of the current expenses of government, and more especially to pay the bills drawn by the distant agents and officers of the government—some of which, it is reported, have been protested—has caused very general, and, we fear, too just complaint. Some explanation is certainly due from the representatives to their constituents, for this omission to pay just claims when the treasury is full to overflowing; and money so scarce as to cause general embarrassment to almost every class of business men.

—

Oliver Evans once said to the editor of the REGISTER, that the time would come, when, every person able to build a house costing 10,000 dollars, would provide himself with a steam engine, as a part of its furniture, to wash the clothes, scrub the floors, &c. &c.

The following seems to be an approach to the fulfilment of Mr. Evans' prophecy.

Portable steam engines. Mr. Gough, an engineer of Salford, has constructed a portable steam engine, to which he has attached a very simple apparatus for lifting dead weights from the hold of a ship or the top of a building. The engine, with its machinery, is fixed upon a carriage with four wheels, so that it may be removed at pleasure to any particular spot where the power is required, and when removed will perform its duties without being attached to the soil, being in this respect as independent of the soil as the snail or the tortoise, who carry their houses on their backs. If used in aid of manual labor in the construction of a large building, a block of stone, or any other heavy mass of matter, might be raised and lowered into the exact place prepared for its reception, as the machinery admits of giving to the body moved either a perpendicular or horizontal direction. The fire is so constructed that all the caloric generated is expended under the boiler; hence the consumption of fuel is very trifling, and the fire itself is so securely guarded as to admit but of little or no chance of danger on that account. In the loading or unloading of vessels, the engine might be placed either on a quay or the deck of a ship with the greatest facility. The adaptation of steam power to these purposes, and others to which the engines we are speaking of might be applied, is second only to the self-moving power already given in these machines. [*Liverpool Standard.*

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The steamboats for New York now leave Providence at 4, P. M. The passengers leave Boston after the business hours are over, so that now the passage is made both ways in such a manner as not to destroy any day. A traveller leaves New York at 4, P. M. arrives in Boston at 10 or 11 next morning, leaves there at 2 P. M. and arrives here at 8 or 9, A. M. of the next day.

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It is said that the sum of twenty-five thousand dollars has been charged by Mr. Livingston, for the management of the great case between the United States and the city of New Orleans, by which the latter gained one million of dollars.

Since the opening of the Chesapeake and Ohio canal, the tolls are said to have averaged 800 dollars per day. In the week ending the 7th inst. 8,106 bbls. of flour descended the canal.

—

The winter! We believe that the Hudson has been, by this time, released from its "icy chains," and is now open to Albany. Steam vessels are passing to and from Albany to New York. The water is to be let into the canals to-morrow, the 17th April.

The Fredonia (N. Y.) Censor, of a late date, says:—"There is now more ice in the lake than has been known, at this season, for twenty years. The upper end of Lake Erie, ordinarily navigable in March, is now entirely closed."

The N. H. Courier, published in Concord gives the following account of the prolongation of winter, in that quarter:—

"At the close of March, the snow is not only two feet deep, but it is as solid as ice, and the Merrimack is passable on the ice for sleighs and teams, the snow being about as thick on the ice as it is on the land. We learn that in many parts of the state, great want of hay, and the dying of almost whole stocks of cattle, attend the winding up of winter. It is now going on *five months* since the snow first covered the ground, and we have had constant and pretty good sleighing all the time. Such a winter as the past, or—perhaps we should say *present*—has no man living among us ever before seen, and the like he probably never will see again."

An "old fashioned" winter. The following account of two "old fashioned snow storms," which occurred in 1717, is taken from Alonzo Lewis's history of Lynn, Massachusetts.

"Two great storms on the 20th and 24th of February, covered the ground so deep with snow, that people could not for some days pass from one house to another. Old Indians of an hundred years said their fathers had never told them of such a snow. It was from 10 to 20 feet deep, and generally covered the lower story of the houses. Cottages of one story were entirely buried, so that the people dug paths from one house to another under the snow. Soon after a slight rain fell, and the frost crusted the snow, and then the people went out of their chamber windows and walked over it. Many of the farmers lost their sheep; and most of the sheep and swine that were saved, lived from one to two weeks without food. One man had some hens buried near his barn, which were dug out alive eleven days after. During this snow a great many deer came from the woods for food, and were followed by the wolves, which killed many of them. Others were killed by the people with guns. Some of the deer fled to Nahant, and being chased by the wolves leaped into the sea and were drowned. Great damage was done to the orchards, by the snow freezing to branches and splitting the trees as it fell. This snow formed a remarkable era in New England; and old people in relating an event, would say it happened so many years before or after the great snow."

And so it is—in many other places; and with us at Baltimore, the wind, whether it blows from any quarter, (except the south) if it blows freshly, is damp and raw and cold.

—

An immense emigration is expected at New York, in the present season—especially of mechanics to rebuild the burnt part of the city, with 40,000 Irish laborers!

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"MONEY MATTERS." The bank of Washtenaw, (Michigan), has issued the following notice—

Bank of Washtenaw, Ann-Arbor, March 24, 1836.

An unexpected and continued run upon this bank, caused by unfounded rumors, having made it necessary to suspend payment for a *short time*, the directors consider it a duty to caution the holders of Washtenaw notes against making any sacrifices upon them, as the bank has available means to the amount of $30,000, beyond its circulation, and will soon resume payment. Persons having notes in the bank are requested to pay immediately, and interest will be refunded on the notes not due.

By order of the board of directors.

DAVID PAGE, *president.*

E. W. MORGAN, *cashier.*

—

The *New York Evening Star* says—

That the money market in that city continues very tight and that stocks are going down.

Again—

Money now is worth twelve per cent. per annum, on undoubted security.

—

The Charleston Courier says—

We learn that a letter received by the last mails from Mobile, mentions that operations in cottons had been momentarily suspended, in consequence of a run upon the banks for specie, and that some sales had been subsequently made, at a reduction of from one to two cents per lb.

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Bicknell's Reporter repeats that the pressure in the Philadelphia money market is gradually passing away, but that no important or very perceptible relief will be experienced until the government determines the appropriation of the surplus revenue. For the last two months money in Philadelphia has readily commanded from one to two per cent. a month, with stock as security.

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The editor of the Nashville Transcript, bears the following testimony of the upright and impartial conduct of the managers of the United States bank, which, we believe, will be responded to from every part of the country where "the monster" has transacted business:

"As a commercial agent much has been said against the bank; but we do not remember to have seen or heard that any chamber of commerce, or any respectable merchant, or any body of merchants, at any of the places where it had offices, has ever exhibited any public charges against its administration, or privately complained of its partiality or malevolence."

—

BANKS, PAPER, AND MONEY. *Brief and desultory remarks.* Money seems to be very "scarce"—see the preceding articles—though *paper* ought to be plentiful; seeing that in the last six or eight months, there have been incorporated in the United States considerably more than *fifty* millions of banking capital, and we have nearly 35 millions of "surplus" money in the "deposite banks." Some suppose that the latter is the chief cause why money is "scarce"—it is, assuredly, disadvantageous; and, being undetermined how it shall be distributed, the deposite banks *hold back*, in expectation of calls to be made upon them for payment. Others suppose that the banks care little about *that*, and say the government MUST accommodate them, and give them *time* to refund the public moneys deposited; which is pretty nearly equal in amount to all the specie in the United States! and, it is certain, that they *cannot* pay up, without many "days of grace."

Another class of persons, attribute the "scarcity of money" to the *manufacture* of new banks; in which *Maryland* has freely dipped "her fingers into the pye"—or rather, in printers' phrase, "*pi;*" that is, types thrown into a confused, or "heels over head" condition. It is a "*sin* against light and knowledge" and the end *must* be calamitous. We have made some 12 or 15 new banks, of —— millions in paper capital, without adding, perhaps, one cent to the *real* capital of the state! And so it is elsewhere —and especially in the south west. It is apprehended that a scene of disorder and confusion, unparalleled except in 1819-20, must ensue; when millions on millions of property, *honestly acquired* by the labor of years, will be sacrificed to *brokerage*, *discount* and *exchange*. It is certain, that the "*exchange-brokers*," or *shavers* of bank notes, are mightily pleased with the "prospects before them!" They have good reason to rejoice, and to be "exceeding glad!" For, like "mother Carey's chickens" *they delight in a storm.* They perceive the storm that is coming—and are *strapping their razors* for deep cuttings of notes; as the wild boar did his tusks! They, only, are pleased with the embarrassment and breaking of banks! "*History is philosophy, teaching by example.*" "What has been may be." And many must bend and *break*, too, by the tempest of paper-money that will sweep our country before long. All *forced* circulations *must* fail; and there is a time when "accommodations" will be difficult to obtain.

The responsibilities of banks in the United States are six or eight times greater than their means, though all the specie in the land were gathered into their vaults—and there must be a "scramble" for it! That "*lame ducks*" will be made, and in great quantities, we have no manner of doubt. The people must pay for the excesses of their rulers.

And further, a bill has just passed the house of representatives of the United States—and will pass the senate, also—It is *intended* to deprive the new bank of Pennsylvania of the *general currency* that belonged to the late bank of the United States, to liquidate balances and settle claims—not because the solvency of the institution is "questioned," but, apparently, only to embarrass the winding-up operations of the old bank; and, if it succeeds in *that*, it may serve to dispose of some *millions* of the public funds—seeing that the *people* are holders of one-seventh of all its stock! It will be like a man's "cutting off his own nose to spite his face." *But it will not succeed;* though it may mightily increase the public difficulties, about money. The bank can and will sustain itself, nobly. One of the ablest of financiers is at its head—who has "counted the cost" of all things pertaining to it, and stands ready for the issue—saying, "*let the* HARDEST *fend off!*" but by the people, hastily deprived of the use of that currency, (the best that the world ever witnessed), the *additional* pressure will be hard to bear! It may force the bank to withdraw several, some eight or ten millions, of their present circulation and "accommodations"—which in the present state of things, will not be pleasant! It is about equal to all the specie in all the deposite banks—and then, "save himself who can" will be "in order;" the productive industry of the country be suddenly paralized, and wailing abound in those walks that lately abounded with joy, and the glad hum of honorable industry will be succeeded by unavailing regrets. We do not see any necessity, for thus further deranging the currency. The bank, as a *national* institution, has ceased—it has been "kilt;" why not suffer it to wind up its affairs and die in a *natural* way—as it must in less than two years? why attempt to force it into a "*flurry*" as the whalemen say, and overwhelm thousands in its struggles—when it would retire peaceably and passively, at—the end of its time? For this bank, like all others, will rely on its own means of defence—and use them for self-preservation. It is the first law of nature to resist force—and its power is still formidable! It is not a "dead *Piercy*"—to be stabbed at by *Fallstaffs*. The bank now pays out only its notes, redeemable in Philadelphia—it is calling in the rest; and, if left quiet, all others will soon disappear—disappear faster than most persons can wish that they should; and discounts on bank notes are severely advanced.

The unbounded extent of *credit* which we have latterly had, has arisen from the fact that their was no demand for specie. It *remained* in the banks, only as ballast stones in the hold of a ship, But, let the exchange on England advance *one* or *two* per cent. and eleven-twelfths of all our banks will be deprived of their means of "accommodation"—being, also, hard put to it to save themselves! A general war in Europe will bring about this state of things—and we shall have to go over all our old troubles again. Our newspapers will be again filled with *sheriffs'* advertisements of the sale of property, as they were in 1819-20.

The peace of Europe, together with our own prosperity, have kept things "steady." Many nations are "flourishing," and so are we. England, with whom we have the most intimate connection, is eminently so—business and money are abundant in that country. They are as without end! And so it has been with us. The general business of our manufacturing establishments, promoted and impelled by the tariff laid for their protection and encouragement, have given them great force, and the products of our *cotton* fields furnish a large surplus for exportation. The probable value of all things *produced* by the people of the U. States have been 1,500,000,000 dollars; and now, at the present high prices, will give a *creation* of 1,800,000,000 millions* per annum. But a shock may easily be given to this immense production of value. It is a subject not to be thought of without great attention and much caution and care; for notwithstanding this large amount of production, our imports are not lessened—the ability to buy being always accompanied by a desire to possess; as is clearly shown in cases that we have frequently stated, that at a well conducted cotton *manufacturing* establishment more silks and other *fo-*

*Colquhoun estimated the "new property," as he called it, annually created in Great Britain and Ireland, at 430,521,372 *pounds sterling*, in 1812—say 2,000 millions of dollars; our estimate then, for the present time, must be a very moderate one, for the United States.

reign goods are disposed of than to double the amount of an *agricultural* population—for the means to purchase are more easily or conveniently afforded to the former.

This great production, (a considerable part of which is annually added to the capital of a country), has been the cause of the great advancements in wealth in England and the United States; and it will go on, geometrically, (as long as the world remains at peace), unless there is too much "*tinkering with the currency.*" A *child* may set fire to a city, that it will require thousands of *men* to extinguish.

—

It is not of physical wonders, alone, that the great west is productive. There is a kind of indigenous ferocity in some of the *people* of that country which is as peculiar as the fertility of the soil, the immense size and volume of the rivers, and the vast prairies, which distinguish it from other regions. A singular instance of this spirit is now before us. In the town of Dubuque, Illinois, some three or four weeks ago, *Henry L. Massey* had an encounter with an old gentleman named *Smith*, whom he shot with a pistol. About two weeks after, Miss *Massey*, a sister of the first named homicide, shot *William Smith*, son of the deceased. The feud, no doubt, will be kept up, men, women and children mingling in the melee, until the hostile clans have been all, in western pharse, "used up."

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The Pittsburgh Gazette states that the steamboat Moravian left that place a few days ago with the largest cargo ever carried from it. A large part of it consisted of pine boards, planed, tongued and groved, which had been brought down the Alleghany river from the state of New York, and were destined for the Illinois river, sixteen hundred miles off!

—

The "marble palace," the bank of the United States, Chesnut street, Philadelphia, has been publicly sold for 388,000 dollars, to Thomas P. Cope, esq. for the use of the stockholders of the United States bank of Pennsylvania. The biddings for it were spirited. It is a splendid property.

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The election for charter offices of the city of New York came on, on Tuesday. There appears to have been a great deal of confusion among the "democrats." Result not known. The election lasts three days.

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Connecticut. The late election in this state has resulted in the complete success of the Jackson party. For governor—Edwards (Jackson) 20,107; for Tomlinson (whig) 17,269. For the senate, 17 Jackson and 4 whig. For the house, 133 Jackson and 73 whig.

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Virginia. There are about 100 counties in Virginia—returns have been received from twenty-three, only. In these there have been elected 17 whigs, and 13 administration; giving a nett gain of two to the former. The election will, probably, be closely contested.

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Attempts to fire the city of Boston continue to be made.

—

Great riots have happened in Philadelphia—caused by the sale of a part of a grave yard, on Arch street, and a removal of "dead men's bones," from the premises.

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A high excitement exists at New York, on account of the murder of an exceedingly fair and highly accomplished *Cyprian*, and a firing of the house to conceal the offence, supposed to have been committed by the keeper of the girl—a young man of about 20 years old.

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A base attempt at fraud in the packing of six bales of cotton was recently exposed at Nashville. The unusual weight of the bales created a suspicion in regard to them, and on opening them they were found to contain about 1,200 pounds of stones, oak logs, &c. The good cotton in the bales sold for only $37 25.

This is something worse than—"wooden nutmegs!"

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It appears by a recent treasury statement, that the difference in the duties on French wines and silks stipulated for in the treaty of indemnification has already amounted to six millions of dollars. The last instalment of her debt is not due yet.

—

Earthquake at Amboyna. We are indebted to capt. Furber, of the ship Mary, from Canton, for the Java Courant of Dec. 30th. It contains some particulars of a dreadful earthquake which took place at Amboyna, and the neighboring islands, on the first of November. At Amboyna the principal shock continued 35 seconds. A great many buildings were destroyed or injured, and many lives were lost. Fifty-eight, men, women and children, were killed by the falling of a building inside of Fort Victoria. [*N. Y. Jour. Com.*

—

Taglioni, the celebrated *danseuse*, who has turned the heads of all the Parisians, and of every body else who ever saw her, is about to pay a professional visit to London. Her history is nearly akin to that of almost every distinguished actress. She accumulated an immense fortune by her profession; was courted, caressed and flattered as though she were a divinity; and at length, being ambitious of titles, married a profligate nobleman, who gambled away all her earnings. In this dilemma she is obliged to commence the world anew, and have recourse, once more, to heels for her a livelihood.

—

Riots at Quebec. Mention has been made of serious disturbances which took place at Quebec on Wednesday, March 23d, between the Canadian population on the one part, and the English and Irish on the other, at the close of an election. Many persons were severely injured in the conflict, but no lives lost. On Saturday night, March 26, the riots were renewed, and resulted, as might be expected, in a new supply of broken heads. Two persons, it was feared, were mortally wounded.

This riot, (says a Quebec paper), was caused by the advance of a Canadian mob from St. Roch's and St. John's suburbs, with an effigy of Dr. Painchaud, swung on a ladder, and drawn to be burnt. This mob was armed, as usual, and in the most cruel and cowardly manner, assailed every individual not of their "origin" whom they met. The partizans of Mr. Stuart, who had nearly all dispersed, hearing of these outrages, began to reassemble, and about eight o'clock a party of 30 to 40 individuals armed with sticks, sallied out, and when near Mr. Robertson's grocery store, attacked the procession. In a few minutes, Mr. Robertson's windows were smashed, and several persons severely beaten. At other spots the parties met; and the house opposite to Mr. Robertson's occupied by Mr. Gouthier, advocate, up stairs, also received trifling damage.

Hagan's and Cotrel's house, in St. John's, suburbs were also attacked and damaged.

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The following are a few items from the statistics of *Lowell*, Mass.

Nine principal establishments, total capital	$7,650,000
Capital of locks and canals	600,000
Number of mills (exclusive of print works)	27
Spindles	129,828
Looms	4,197
Females employed	5,416
Males do.	1,377
Yards cloth made per week	849,300
Bales cotton used do.	732
Pounds cotton wrought do.	263,000
Yards dyed and printed do.	233,000
Tons of anthracite coal used per annum	9,453
Cords of wood used do.	4,690
Gallons of oil do.	54,824
Yards cloth made do.	44,163,600
Pounds cotton consumed do.	13,679,600
Pounds of starch do.	510,000
Bbls. flour and starch do.	3,800
Bushels charcoal do.	500,000
Pounds wool by one company, per annum	600,000
No. teazels by do.	3,060,000

The kind of goods manufactured in the nine principal establishments are, machinery of all sorts, prints, sheetings, drillings, carpets, rugs, negro cloth, broadcloths and cassimeres.—The locks and canal machine shop can furnish machinery complete for a mill of 5,000 spindles in four months. At the date of the "statistics," two new mills were going into operation, and two are to be erected during the present season.

In addition to the above, are extensive powder mills, the Lowell bleachery, flannel mills, card and whip factory, planing machine, reed machine, grist and saw mills, glass works, furnace for castings and worsted mill, the latter operating 1,200

spindles, and consuming 1,000,000 lbs. wool, and 11,250 gallons oil, per annum.

Silk manufacture in France. The amount of manufactured silk exported from France during the year 1835, is almost incredible. From authentic statements it appears to have been the enormous sum of $22,700,000 and that one-third of this amount was brought to the United States. Had the people growed the raw materials on their farms and manufactured it in their families and factories, the very considerable sum of $7,566,666 would have been saved the past year; besides giving employment to thousands who have consumed their time in idleness and poverty. [*Silk Culturist.*

Menai bridge. In that wonderful structure, the Menai suspension bridge, the effect of the expansion and contraction of the chains, by heat and cold, is ingeniously provided for, by passing the chains over rollers placed upon the top of the towers over which they were slung. In 1830, when the mercury was 18 degrees below the freezing point, it was found that the bridge, which weighed more than twenty thousand tons, had risen six inches and a half above its level, and the extremes between its relaxing on the hottest and its contraction on the coldest day, are more than a foot.

Specie. There has been exported from this port, from March 1st to 26th—

In silver coin	$207,608	
In gold coins	27,508	
Total		$235,116
Imported in the same time—		
In silver	$ 8,008	
In gold	10,813	
		18,821
Balance exported more than imported		$216,295

Considering the small amount of specie in the city, the exporting of this quantity has no doubt seriously affected the money market, and will no doubt serve as a warning against increasing the credit currency, by increasing the bank capital. To augment banking capital tends to drive specie abroad. [*Boston Morning Post.*

The land bills. The New York Commercial says that the great point of disagreement between Mr. Clay's land bill and Mr. Walker's, is briefly this: Mr. Clay wished to distribute the proceeds of the public domain rateably, according to population, among all the states; the old, by whose toil and blood and treasure it was won, as well as the new, within whose boundaries it lies; but the new states claim the whole—*and, the present indications are, that they will get it.*

[The public lands, as a general fund, will be wasted, and lost forever to the old states—unless there is some just and speedy settlement, as to the distribution of their proceeds.]

Examination of midshipmen. A board of naval officers has been ordered to assemble at Baltimore, on Monday, 16th day of May ensuing, for the examination of all midshipmen, whose warrants bear date prior to 1st January, 1831.

This board will be composed of commodore James Biddle, as president, and captains H. E. Ballard, J. B. Nicholson, A. Claxton and L. Kearney, members.

The mathematical examiners are professors E. C. Ward and P. J. Rodrigues. [*Army and Navy Chronicle.*

From the Pittsburgh Gazette, April 6. Worthy of notice.—We have just been informed that Messrs. Irwin, Casset & Co. of this city, have received a lot of merchandise from New York, destined for Chicago, at the south end of Lake Michigan. Their instructions are, to send it to Hennepin, on the Illinois river, whence the goods will be transported to Chicago, and probably most of them sold before the harbor at Buffalo is free of ice.

Affection for a mother. The following beautiful passage, as true as it is beautiful, is from Mr. James' last novel, "The Gipsey:"

"Round the idea of one's mother the mind of a man clings with a fond affection. It is the first deep thought stamped upon our infant heart when yet soft and capable of receiving the most profound impressions, and all the after feelings of the world are more or less light in comparison. I do not know that even in our old age we do not look back to that feeling as the sweetest we have through life. Our passions and our wilfulness may lead us far from the object of our filial love, we learn to pain her heart, to oppose her wishes, to violate her commands, we may become wild, headstrong, and angry at her counsels or opposition; but when death has stilled her monitory voice, and nothing but calm memory remains to recapitulate her virtues and good deeds, affection, like a flower beaten to the ground by a past storm, raises up her head and smiles amongst her tears. Round the idea, as we have said, the mind clings with fond affection: and even when the earlier period of our loss forces memory to be silent, fancy takes the place of remembrance, and twines the image of our dead parent with a garland of graces and beauties and virtues, which we doubt not that she possesses."

Current through the straits of Gibraltar. A writer in the Nantucket Magazine for September, explains thus the current which sets constantly from the Atlantic to the Mediterranean through the strait of Gibraltar. The specific gravity of the waters of the Mediterranean has been ascertained to be 1,030; while that of the Atlantic is but 1,028. The depth between Ceuta European point is 4,200 feet. A column of water of the specific gravity of 1,030, and of the height of 4,200 feet would balance one of the specific gravity of 1,028, and of the height of 4,208. The difference of level of the two seas, if a barrier were placed across the surface and equilibrium produced pressure on the water below, would be 8½ feet. The waters of the Atlantic tend to press in, therefore, at the surface, whilst the denser waters of the Mediterranean flow out at the bottom. Observations in proof of such an under-current have been made. [*Jour. Frank. Inst.*

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

April 8. A message was received from the president of the United States, enclosing reports from the secretary of war and the secretary of the navy, in reply to a resolution of the senate calling for estimates of the amount necessary to put the land and naval defences of the country upon a proper footing of strength and respectability; which reports were referred to the committees which have those subjects in charge.

Ordered to be printed, &c.

Mr. *Hubbard* presented resolutions of the legislature of New Hampshire, instructing the senators from that state to vote in favor of the expunging resolution; which were laid on the table.

The senate then proceeded to consider the bill to grant to the state of Missouri certain lands for the purpose of internal improvement.

Mr. *Walker* moved to amend the bill by introducing an equal grant of 500,000 acres for the state of Mississippi.

On this question he asked for the yeas and nays, which were ordered.

Mr. *Nicholas* moved to amend the bill by introducing a similar grant for Louisiana.

This amendment was accepted by Mr. *Walker* as a modification of his motion.

Mr. *King*, of Alabama, moved a similar amendment as regards Alabama, Indiana and Illinois; which was also accepted by Mr. *Walker*.

Mr. *King*, of Georgia, moved a similar amendment, so as to include the state of Georgia.

Mr. *Clay* moved the indefinite postponement of the bill.

Mr. *Walker* asked for the yeas and nays; which were ordered.

After some observations from Messrs. *Benton, Ewing* and *Walker*,

Mr. *Calhoun* moved that the bill be laid on the table; and the yeas and nays being ordered, it was decided as follows:

YEAS—Messrs. Brown, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing, of Ohio, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King, of Alabama, King, of Geo. Knight, McKean, Naudain, Niles, Prentiss, Preston, Robbins, Shepley, Swift, Tomlinson, White—26.

NAYS—Messrs. Benton, Black, Linn, Nicholas, Porter, Robinson, Ruggles, Walker—8.

So the bill was ordered to lie on the table.

On motion of Mr. *White*, the senate procedeed to the consideration of executive business.

After sitting some time, the doors were opened, and the senate adjourned to Monday.

April 11. Mr. *Naudain* presented certain resolutions passed by the legislature of Delaware, instructing their senators to vote against the expunging resolution; which were laid on the table, and ordered to be printed.

Mr. *Davis*, from the committee on commerce, reported a bill to suspend so much of the act imposing discriminating duties as applies to the Portuguese islands, and to reduce the duties, on wines.

Mr. *Davis* made a motion that the bill should be passed through its first and second reading at this time, giving as the reason which operated on him to submit the proposition the fact that it was extremely desirable to cherish the trade with Portugal, who took from us a large quantity of our lumber, staves, fish, cotton, flour and tobacco. The president had been urged to abolish the discriminating duties in this case, by proclamation, and thus to put our trade with Portugal on the same looting with that of Great Britain; and this arrangement with Portugal ought to have been made long ago. The duties on wines might be diminished one-half without producing any injury to the revenue, any encroachment on the principles of the compromise act, or any discouragement to our industry. It was unanimously recommended by the committee, and he hoped would be unanimously agreed to by the senate.

The bill was read a first time, and considered as in committee of the whole; when

On motion of Mr. *Knight*, the bill was so amended as to make the reduction take date from and after the "30th day of June," instead of "1st day of July."

The bill was then ordered to be engrossed for a third reading.

The joint resolution authorising the application of an unexpended balance of the sum appropriated for the construction of the Potomac bridge to the paving of Maryland avenue, was read a third time, and passed.

The senate proceeded to consider the amendments made by the house of representatives to the bill to establish a territorial government in Wisconsin.

Mr. *Crittenden* moved to disagree to the first amendment of the house, which reduces the salary of the governor, and, after some brief remarks from Messrs. *Clayton*, *King*, of Alabama, *Grundy* and *Benton* the motion was agreed to—yeas 18, nays 11.

The other amendments to the bill were concurred in.

The senate then proceeded to consider the special order, being the bill prohibiting deputy postmasters from receiving or transmitting through the mail, to any state, territory or district, certain papers therein mentioned, the circulation of which, by the laws of said state, territory or district, may be prohibited, and for other purposes.

After Mr. *King*, of Geo. had spoken in favor of the bill—it was laid on the table until to-morrow.

The remainder of this day's session was spent on the bill to provide for the mode of paying pensioners.

April 12. Mr. *Clay* rose to present several petitions which had come into his hands. They were signed by citizens of Philadelphia, many of whom were known to be of the first respectability, and the others were, no doubt, entitled to the highest consideration. The petitions were directed against the admission of Arkansas into the union, while there was a clause in her constitution prohibiting any future legislation for the abolition of slavery within her limits. He had felt considerable doubt as to the proper disposition which he should make of these petitions, while he wished to acquit himself of the duty entrusted to him. The bill for the admission of Arkansas had passed the senate, and gone to the other house. It was possible that it would be returned from that branch with an amendment, which would bring this subject into consideration. He wished the petitioners had selected some other organ. He did not concur in the prayer of the petitioners. He thought that Arkansas, and another state or territory south of 40 degrees, had the entire right, according to the compromise made on the Missouri question, to frame its constitution, in reference to slavery, as it might think proper. He adhered to the opinions on this point which he held on a former memorable occasion, which would be in the recollection of senators. He would only ask that one of these memorials be read, and that the whole of them should then be laid on the table.

Mr. *King*, of Alabama, expressed his regret that the senator from Kentucky had introduced these petitions while a bill was pending in the other branch, in the progress of which it was probable that this question would be stirred. If the presentation of these petitions should bring up again the agitation which was produced by the discussion of the Missouri question, it would be difficult to predict the consequences which might ensue. When the Missouri question was under consideration he acted with the senator from Kentucky, and agreed to give up certain rights of the new states for the purpose of conciliation. But he would now say that never again would he give up any thing for the purpose of conciliating another quarter of the country. He repeated his astonishment and concern that the senator from Kentucky should have brought forward the petitions.

Mr. *Clay* said he felt unaffected surprise at the expression of regret contained in the language of the senator from Alabama as to the presentation of these petitions. I (said Mr. *Clay*) feel no regret. The subject of these petitions I do not approve, and I stated my disapprobation. I should have been happy had the petitioners chosen another organ. I stated further that my opinions were unchanged. But these petitions have been committed to my care. In presenting them I only performed a duty—a duty, in reference to petitions, of a constitutional, almost a sacred character. I have presented the petitions, but I have asked for no other action on them than the mere laying of them on the table, although I might have done so, as the bill is yet before the other branch. It is highly competent to the legislative authority to pass another bill to control this clause in the constitution of Arkansas. I have asked no such thing. If the question should be stirred in the other branch, as seems to be apprehended by the senator from Alabama, it is better that the petitions are presented here. Here they are. I have merely performed a duty in presenting them; yet I am chided, chided at least in tone, by the senator from Alabama for having done so. Sure I am sir, that in this tone of chiding there is not another senator on this floor who will participate.

As to the principle of compromise, (Mr. C. continued), there were several epochs from which gentlemen might take their start. The adoption of the constitution was a compromise; the settlement of the Missouri question was the second epoch; the adjustment of the tariff was the third. The principle illustrated in all these great cases it was highly desirable should be carried out. These persons who now come before congress think it hard that they should be excluded from any participation in the soil south of 40 degrees which was won by the aid of their treasure and their valor. Perhaps the hardship was equally severe on those whose habits have rendered them familiar with slavery, that they are virtually excluded from a residence in any of the states north of the line of forty. He concluded with saying, that he had defended the principle of compromise in the Missouri question with as much zeal, if not as much ability, as the senator from Alabama.

The petitions were then laid on the table.

Mr. *Kent* presented resolutions of the legislature of Maryland, instructing the senators to vote for a distribution of the proceeds of the public lands.

Mr. *Goldsborough* presented resolutions from the same legislature, against the expunging resolution.

After other business of a preliminary character—

The senate proceeded to consider the bill concerning incendiary publications; when

Mr. *Calhoun* addressed the senate in reply to the objections which had been made to the bill.

Mr. *Davis* then answered the observations of the senator from South Carolina. After he had concluded,

On motion of Mr. *Brown*, the bill was laid on the table, and the senate proceeded to the consideration of executive business.

After remaining a short time with the doors closed,

The senate adjourned.

April 13. Mr. *Kent* presented a memorial of the general assembly of Maryland, praying congress to cause a survey of the Chesapeake bay.

Mr. *Calhoun* offered the following, which was agreed to:

Resolved, That the secretary of the treasury be directed to report to the senate, with as little delay as possible, the amount of money in the treasury on the 1st of April, where deposited, and the amount of liabilities of the several banks, respectively, and their means of meeting the same, and also the receipts of the treasury for the quarter ending 31st March, arranged under the heads of customs, public lands and incidental receipts.

On motion of Mr. *Calhoun*, the bill relating to incendiary publications was taken up.

Mr. *Benton* said he desired to say something on the subject of the bill, which he thought went too far, though he was willing to go a great length. He asked for time to consider it, and moved to lay it on the table, but withdrew his motion, and

Mr. *Niles* offered a substitute or amendment—which was debated at length. The bill was laid on the table, to be taken up on Monday.

HOUSE OF REPRESENTATIVES.

Friday, *April* 8. Several motions to suspend the rules to offer certain resolutions, were negatived.

On motion of Mr. *May*, the house proceeded to the consideration of the bill to establish the territorial government of Wisconsin.

A long debate followed. The bill was read a third time and passed.

Mr. *Whittlesey* then called for the orders of the day.

Mr. *Robertson* offered a series of *retrenchment* resolutions, as to the expenditures of the several departments, but the house refused to suspend the rules.

Private bills were then taken up and occupied the remainder of the day.

Saturday, *April* 9, was chiefly spent on private bills, and many of them were disposed of.

Monday, *April* 11. The resolutions from the legislature of Kentucky, directing the senators and requesting the representatives of that state to vote for a bill to distribute the revenue arising from sales of public lands among the several states, for the purposes of internal improvement and education, being first in order, were taken up.

Mr. *Speight* moved to postpone the consideration of those resolutions, for the purpose of receiving petitions and memorials, and such resolutions as would not give rise to debate.

Mr. *Graves* said—The distribution of the sales of the public lands is a subject in which every state in this union feels a deep interest, and it ought not to be set aside without some good reason. The object of the gentleman from North Carolina, in suspending the consideration of this subject for the purpose of receiving petitions, may be attained by dispensing with the rules to-morrow for that purpose. And he (Mr G.) was unable to account why that gentleman had chosen to make his motion to-day, when he knows the effect of it will be to occupy the very small portion of time allotted by the house to this subject, one in which Kentucky has a much greater direct interest than any other upon which this congress will likely act. I trust, sir, the motion will not prevail.

The question was then taken on postponing the further consideration of the Kentucky resolutions, and decided in the affirmative without a count.

Mr. *Jenifer* offered to present certain resolutions, passed by the legislature of Maryland, protesting against the expunction from the journals of the proceedings of either house of congress.

Mr. *Thomas* objected to their reception.

Mr. *Jenifer* asked that the resolutions be read and printed; to which Mr. *Thomas* also objected, and protested against the expression of the opinion of the legislature being considered the sentiments of the people of the state.

Mr. *Jenifer* expressed his surprise that any member from Maryland should object to the reading or printing of resolutions passed by the legislature, and forwarded at their request, by the governor of the state, to the representatives here. He should have presumed that the resolutions should have been

presented, either by his colleague, (Mr. *Thomas*), or one of the representatives from the city of Baltimore, and to have had the benefit of their advice as to their proper disposition. He hoped, however, that the resolutions might be read, as he perceived a desire to suppress them altogether. The resolutions were then read, and laid over till Monday next.

Mr. *Chambers*, of Pennsylvania, presented a petition from the citizens of Beaver county, Pennsylvania, complaining of the burden imposed on the navigation of the Ohio river, in the collection of tolls on the Louisville and Portland canal; and that, whilst immense sums of money have been appropriated and expended for foreign commerce and on the Atlantic coast, but little has been done for inland commerce and navigation. The petitioners ask congress to make an appropriation to purchase out the individual stock in the Louisville and Portland canal company, and make the navigation of the Ohio river free.

A great many resolutions, chiefly of a local or private nature, were submitted.

On motion of Mr. *Graves*,

Resolved, That the petitions of sundry citizens of the states of Kentucky, Illinois and Pennsylvania, in favor of the federal government's purchasing up the individual stock in the Louisville and Portland canal, be referred to the committee on roads and canals, with instructions to inquire into the expediency of reporting a bill providing for the appropriation of the proceeds of the government stock for that purpose.

On motion of Mr. *W. K. Fuller*,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of authorising the secretary of war to furnish the state of Kentucky, at the national expense, with a supply of arms, ordnance and munitions of war, equal to the quantity lately destroyed by the burning of the arsenal in that state.

Mr. *Slade*, after stating that he was not present when the state of Vermont was called, asked leave to present a petition; which was not objected to.

Mr. *Slade* then presented a memorial from sundry citizens of the city of Philadelphia, remonstrating against the admission of Arkansas into the union, with a constitution which sanctions the existence of slavery, and prohibits the abolition thereof, and called for its reading.

The reading of the memorial was objected to, and

The *chair* stated that the gentleman from Vermont had a right to call for its reading.

Mr. *Hannegan* moved to reconsider the assent given by the house to the presentation of the memorial.

The *chair* stated that the motion was in order.

After some conversation, the house adjourned—The chair having decided (from which decision Mr. *Slade* appealed), the house adjourned, at half past three o'clock.

Tuesday, April 12. Mr. *Cambreleng* moved to take up the bill repealing the 14th section of the act incorporating the subscribers to the United States bank, which section makes the bills and notes of said bank receivable in payment of all dues to the government of the United States.

Mr. *Dunlap* objected. Until the special order was rescinded, he would, he said, oppose any motion to take up any other business than the appropriation bills.

Mr. *Cambreleng* said it was necessary that the bill should pass, for the protection of the interests of the United States. He had a letter from the cashier of the branch at Savannah, stating that he was not authorised to redeem the notes paid by that branch, but that they would be paid in Philadelphia.

Mr. C. also stated that the new bank of the United States issued only the notes of the old bank and its branches, which were redeemable only in Philadelphia.

He moved the suspension of the rules for the purpose of taking up the bill, and the motion was agreed to.

After some discussion, and several unsuccessful attempts by Mr. *Peyton* to amend the bill by adding to it provisions relating to the deposite banks, the bill was ordered to be engrossed and read a third time and was *passed*—by means of the *previous question*.

The house then went into committee of the whole on the state of the union, upon the general civil and diplomatic appropriation bill, the debate on which continued until half past five o'clock, when the committee rose, and the house adjourned.

Wednesday, April 13. Mr. *Dromgoole* asked the consent of the house to offer a resolution for an inquiry into the management of the deposite banks, as such.

Mr. *Wise* objected, and asked leave to give his reasons therefor, which was refused.

Mr. *Dromgoole* then gave notice that he should renew the motion to-morrow, and if objected to, he should move the suspension of the rules.

Mr. *Wise* said he would give the gentleman an opportunity to offer his resolutions now. He then asked the consent of the house to offer the resolutions on the same subject heretofore presented by him. He said his colleague would move his resolution as an amendment to this, and on the previous question, his colleague's resolution and his (Mr. W's.) would be cut off.

Objections being made, Mr. *Wise* moved the suspension of the rules, which was negatived, yeas 66, nays 88.

Mr. *Dromgoole* having changed his intention to defer till to-morrow his resolutions, now moved to suspend the rules so as to offer them now. The motion was agreed to, yeas 158, nays 19.

Mr. *Wise* intimated his intention to offer his resolutions as an amendment, but it being near one o'clock, he moved to suspend the rules so as to continue the consideration. This was rejected.

Other business being attended to—

The special order was here announced, and the house resolved itself into a committee of the whole on the bill making appropriations for the civil and diplomatic expenses for 1836.

The question being on Mr. A. H. Shepard's motion to substitute $17,000 for $25,000, for the contingent expenses of the state department, a long debate ensued, not on the motion, but relative to the appointment of Messrs. Howard and Rush as commissioners to Michigan during the controversy with Ohio—to the deposite banks, and R. M. Whitney's connection therewith, &c.

The principal speakers were Messrs. *Wise, Bell, J. Y. Mason* and *A. H. Shepard*.

THURSDAY'S PROCEEDINGS.

The *National Intelligencer* of yesterday, after assigning its reasons for a postponement of Thursday's proceedings, says—

The following paragraphs, however, embrace the principal business transacted in each house yesterday:

In the *senate*, after some morning business, the great bill to provide for the distribution of the proceeds of the public lands among the several states, was taken up, and underwent discussion; which had not been brought to a close, when, near the usual hour of adjournment, the bill was laid upon the table until to-day.

In the *house of representatives*, after two or three vain attempts to suspend the rules to enable members to make motions—for, owing to the gross inconsistency of the rules (as now construed) with common sense, it is only by *suspending the rules* that any original motion can be brought *within* the rules—the house resumed the consideration of the annual general appropriation bill, and continued engaged in the discussion of it until 6 o'clock. Previous to the adjournment, the rules were suspended, which assign Friday and Saturday for the consideration of private bills, and this bill was accordingly made the special order of the day for this day and to-morrow.

Perhaps, it ought to be mentioned, further, that, by moving an amendment to a resolution proposed by another gentleman, Mr. *Wise* succeeded in getting before the house, yesterday, his proposition for the appointment of a committee to investigate the nature of the connexion of Mr. *R. M. Whitney* with the deposite banks and the treasury, &c. The remarks of Mr. W. in support of this motion were arrested by a motion to proceed to the orders of the day, which motion, after the arrival of the hour of one o'clock, if carried, puts aside for that day all business which has not entered into the orders of the day.

ASSEMBLY OF THE STATE OF NEW YORK.

FRIDAY, 25TH MARCH.

Distribution of the avails of the public lands.

Mr. Bradish rose and said, that he held in his hand a preamble and resolutions, on a subject of deep interest to the people of this state, and the whole country. In calling the attention of the house at this time, to a subject so important and interesting to the whole people, he trusted he might be permitted thus early, to invoke in its consideration the candor and deliberation, due as well to the nature of the subject, as it would be in harmony with our responsibilities as representatives of the people. He therefore confidently indulged the hope that in the final disposal of this important matter, no other considerations than such as commended themselves to the house, as members of the house, and as citizens of this state, would have any influence. As the resolutions were concurrent, he supposed they would lie on the table one day of course.

The preamble and resolutions were then read by the clerk, as follows:

Whereas, the United States, in entering into "articles of confederation and perpetual union," encountered serious impediments, arising from the claims of several of the states to the extensive unoccupied territory within their respective chartered limits; as well as from the views entertained by other states in relation to such claims:

And whereas the congress of the United States, anxious to remove those impediments, did on the 6th day of September, 1780, resolve among other things, "that it be earnestly recommended to those states who have claims to the western country, to pass such laws, and give their delegates in congress such powers, as may effectually remove the only obstacle to a final ratification of the articles of confederation:"

And whereas congress, on the 10th day of October, 1780, and before any state had in pursuance of its earnest request, made any cession of its territorial claims to the United States, did also resolve, "that the unappropriated lands that might be ceded or relinquished to the United States, by any particular state, pursuant to the recommendation of congress of the 6th of September, 1780, should be disposed of for the common benefit of the United States, &c." and "that the said lands should be granted or settled at such times and under such regulations as should hereafter be agreed on by the United States in congress assembled or any nine of them:"

And whereas several of the states, New York being the first, animated by a spirit of conciliation, and a patriotic desire to re-

move the impediments which existed to a cordial union and co-operation of all the states in the accomplishment of the great objects of the revolution, did, in pursuance of the earnest solicitation of congress, make large cessions of territory of the U. States, upon the conditions, and for the uses, declared by congress in its resolution of the 10th of October, 1780; and which, by the express terms of the cession, were to be considered "as a common fund for the use and benefit of such of the United States as had become, or should become, members of the confederation or federal alliance of the said states, and were to be faithfully disposed of for that purpose, and for no other use or purpose whatever;" and which cessions proceeded not more from a spirit of conciliation than a sense of justice, and were induced by the consideration, that as by the united exertions and the common blood and treasure of the whole people of the U. States, those immense tracts of fertile and valuable lands had been wrested from the British crown, so ought they to be considered as the common domain, and to enure to the common benefit of all.

And whereas the territory acquired by treaties with France and Spain, embracing Louisiana and the Floridas, were paid for out of the common treasure of the United States, which had been drawn from the people either by direct or indirect taxation, and is, therefore, and of right ought to be, the common property of the whole people of the United States, to be held and disposed of for their benefit:

And whereas it appears, from the returns of the treasury department that there is now in the treasury upwards of thirty millions of dollars, of which twenty millions five hundred and seventy-one thousand, one hundred and twenty-five dollars and seventy-five cents are the proceeds of the sales of the public lands; and that judging of the future by the past, there will be in the treasury, on the first day of January next, upwards of fifty millions of dollars; and that the average receipts from the sales of the public lands for the next years will probably exceed ten millions of dollars annually:

And whereas, the national debt has happily been extinguished, and it may be confidently estimated that, after all proper expenditures for the ordinary purposes of the government, and for putting the nation in an attitude of complete defence, both by land and by sea, there will still remain a large surplus, exceeding the amount of the proceeds of the sales of the public lands now in the treasury:

And whereas, such large accumulations of revenue are not only unfavorable to a wise economy in the public expenditures, and a pure administration of the government; but are corrupting in their tendency, and even dangerous to liberty itself; that instead of such dangerous accumulations, a sounder policy would suggest, and justice to the people seem to require, that a portion, at least, of their own money, now lying hoarded in banks, and neither necessary for the uses, nor profitable to the finances of the government, should be given back to the people, and be employed for their benefit:

And whereas, the right of the people to demand a distribution of the proceeds of the sales of the public domain, and thus become relieved and exonerated from burthensome and unnecessary taxation, is unquestionably not in contravention of the constitution, inasmuch as the cessions made by the several states were intended and expressly declared to be for the common benefit of the whole people of the United States and inasmuch also, as by the third section of the fourth article of the constitution of the United States, it is ordained, "that congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States:"

And whereas, it appears by a report made to the senate of the United States during the present session of congress that, should a distribution of the proceeds of the sales of the public land now in the treasury be made upon just and equitable principles, the state of New York, in such distribution, would be entitled to receive the sum of three millions three hundred and nine thousand, five hundred and three dollars; and should such distribution hereafter continue to be made annually, this state would probably receive annually, upwards of one million and a half of dollars:

And whereas, the representatives of the people of this state would be unfaithful to their constituents, if they should be regardless of their right to demand and receive their just proportion of the *fund* now held in trust for the United States by congress—*a fund* which, if now justly distributed, would not only greatly relieve from the heavy burden of taxation, but would diffuse among the people manifold blessings, in useful and important works of internal improvement, and in multiplying and extending the advantages of education to every child of the republic: Therefore,

Resolved, (if the senate concur), That our senators and representatives in congress be, and they are hereby, earnestly requested to use every proper effort to procure the passage of a law which shall provide for a just and equitable distribution of the proceeds of the sales of the public lands, which are now or shall hereafter come into the national treasury, among the several states, according to their respective rights therein.

Resolved, (if the senate concur), That his excellency the governor be requested to transmit to each of our senators and representatives in congress a copy of the foregoing preamble and resolution.

The ordinary motion to print, was made by Mr. *Carroll*, and decided as follows, ayes 28, noes 73:

AYES—Messrs. A. Barker, Bradish, Brooks, Campbell, Carroll, Chambers, Comstock, Hertiell, Jones, Keep, Lee, Marvin, Ogden, W. S. Paddock, Pardee, Patterson, Richmond, Robertson, Romeyn, D. L. Seymour, M. H. Sibley, Stimson, Switzer, Tomlinson, Tyrrel, J. J. Viele, S. L. Viele, N. West—28.

NOES—Messrs. Allen, Alsop, Arnold, Ayres, G. P. Barker, Barney, A. G. Benedict, D. Benedict, Benton, Berry, Bellinger, Blair, Borland, J. Chamberlain, Clinch, Connor, Cutting, Day, Dennison, Dimmick, Dorman, Duane, Dutcher, Ely, Fisher, Fitch, Floyd, Foster, Gay, Garritson, Graves, Gray, Griffin, Griffing, Guinnip, Hale, Hawks, Holland, Hough, D. Johnson, J. Johnson, Kiersted, King, Kirby, Knapp, Knight, Knowlton, Mead, Morgan, Munro, Parker, Pettibone, M. C. Robinson, O. Robinson, Seaman, Searles, J. Sibley, Simpson, Sharp, Shaver, Sly, C. E. Shepard, R. L. Smith, Speaker, Spencer, Stetson, Sutton, Topping, Tubbs, Van Etten, Walworth, J. West, Wilbur, Yates—73.

So the house refused to print the preamble and resolutions.

THE DEPOSITE BANKS.

Remarks of Mr. Ewing, of Ohio, in the senate, March 17, on the subject of the report of the treasury department on the deposite banks.

Mr. *Ewing* said he believed it had not been usual, before the final discharge of the national debt, to have at any one time in the treasury money enough to discharge all the existing appropriations; indeed, it had never been the case at the commencement of the year. The senator from Missouri was, therefore, wrong in saying that the surplus in the treasury was chargeable, or would be chargeable, with the appropriations of the current year. Those appropriations are always expected to be paid out of the accruing revenues. For example, if we had now in the treasury but five millions, instead of thirty millions, can it be doubted that we might safely go on and appropriate twenty-five millions, if necessary, for the current year, and be secure in the prospect of receiving from the customs alone money enough to meet and cover the expenditures? The gentleman from Missouri knows well—none better than he—that we might. How, then, can he urge that the present surplus is or will be chargeable with future expenditures? On the contrary, the receipts of this year will, beyond all doubt, very much exceed the expenditures. The surplus, instead of being diminished, must continue to increase.

The senator from Missouri says, the appropriation bills are kept back to an unusually late day in the session, for the purpose of swelling this apparent surplus. By whom kept back? Those bills do, in the regular course of things, originate in the house of representatives; they are sent to the senate, and *then*, and not till then, acted on here. Well, we have not yet heard from them; they have not come to *us*; and if they are kept back, it is by the friends of the administration in the house, with whose doings and motives the senator from Missouri is probably better acquainted than I am. This only can I say: those bills have not been kept back *here* for any such purpose.

I feel fully and sensibly the danger to which the public money, and, what is of more importance, our currency and the business of the country, are exposed, from the unsound condition of the deposite banks. I glanced my eye this morning over the returns from those banks which were laid on our tables yesterday, and I felt fully all the danger from that state of things which has been so clearly and forcibly developed by the chairman of the committee on finance. There is no safety in those depositories of the public money. There is no safety or soundness in the currency of the country, so far as the notes of those deposite banks mingle with or form a part of it. Besides, I could not but be struck, and forcibly, with the perfect control which the executive has, if he see fit to exercise it, over all these banks, and, with them, also over the whole long list of directors, stockholders and debtors. Of the thirty-five banks in which the public money is deposited, there are but eight which would not be crushed at once, if the public deposites should be at once withdrawn from them. There are twenty-seven of them that could not pay the amount of those deposites on demand, even if no other creditor should call on them. They are fettered, bound by a golden chain, the ring of which is in the hands of the secretary of the treasury. They could not, and they dare not, move contrary to his bidding, if he see fit to direct them to any end or object.

Is this a state of things which any one who is a friend to his country, no matter to what party he may belong, would wish to continue? But unless some efficient remedy be applied, continue it must, and with constantly increasing aggravation. Let the present order of things remain unchanged during this year, and the surplus in the treasury will have arisen to *fifty millions*—a sum which will, probably, exceed all the specie in the United States. If the deposites shall then be so extended as to reach all the principal banks, the great depositories of specie, the executive will have the whole solid medium of the country in his power, and may control it at pleasure.

RAIL ROADS.

In senate—April 7.

Mr. *Grundy*, from the committee on the post office and post roads, made a report on the subject of rail road contracts for the transportation of the mail, which he read from the clerk's table. The report viewed the introduction of rail roads as one of the incidents of civilization. The general power to make

roads was considered as belonging to the states, and it had been the subject of conflicting opinion whether the general government might, constitutionally, exercise jurisdiction over them when made. The rail road system promises to put this conflict to rest. The proposed plan is that congress shall make the contracts with the rail road companies for long periods. This would take the contract duty out of the hands of the post master general. These contracts might be made perpetual, where the charters of the roads are perpetual, where the charters are limited, in order to secure the government for the advances of money made to them, a lien might be retained on the property of the company, until the amount, in case the contract should terminate, should be repaid. The money to be advanced only on such part of a road as may be completed, and brought into use. The company could apply this money to any part of the road they may think proper. If the duty of making the contracts was left in the hands of the postmaster general, exorbitant demands might be made by the companies for carrying the mail, an evil which would increase with the extension of the roads until at length it might become necessary to try whether congress might not compel the companies to transport the public mails for a reasonable compensation. This evil was prevented by placing the power of making the contracts in congress alone. The magnitude and weight of the mails were productive of great and constant difficulty under the present system. The inconvenience would be obviated under this new arrangement. The transportation of troops which would be secured by the bill, would be a great advantage, as, in time of necessity, it would enable the government to send them to any given point in a short period of time. At present, the same roads which enabled our troops to move across the country, offered equal facility to an enemy; but on rail roads, our own troops can be conveyed, and on the approach of an enemy, the cars might be taken away, or the road broken up so as to render it impassable. At this moment contracts may be most favorably made, as the companies are in want of money to carry on their operations. The Baltimore and Ohio rail road company might be willing, by raising money from the government on the road now in use, to attain the means of carrying their road through to its completion. The condition of the treasury at this time was an auspicious circumstance, as the large surplus on hand could be beneficially distributed in this manner among the different states of the union, and will cut off from the department the heavy expenditure incurred annually in making contracts for transportation.

The committee close their report by recommending the passage of the bill.

Mr. *Ewing* of Ohio, moved the printing of 5,000 extra copies of the report with the bill, as proposed to be amended. This motion, after a short debate, in which Mr. *Calhoun* desired more time to look into the report before an extra number were distributed through the country, was agreed to.

UNITED STATES CIRCUIT COURT—MARYLAND.

Baltimore, April 8. The *United States court* for the fourth circuit commenced its regular session in this city this morning at 11 o'clock, the honorable *R. B. Taney*, chief justice of the United States, for the first time presiding. The grand jury being sworn, the chief justice stated that the usage had long prevailed to deliver a charge to the grand jury, and probably one would be expected from him. He had a few words to say, not so much in compliance with that usage, of which he disapproved, and would in future dispense with altogether, but more for the purpose of giving his reasons for departing from it, and his present charge would necessarily be brief. He thought the court should enter at once with promptness and industry upon the discharge of its duties, disincumbered of all unnecessary forms. The age had passed by, which called for particular instructions from the court; the public mind had become enlightened, and the intelligence of juries was adequate to the discharge of their duties. The district attorney was ready to counsel them in all matters of the law. It was unnecessary that the court should enter the wide field of jurisprudence when the attention of the jury would be called to but few infractions of the criminal laws of the land. He would advise the jury carefully to examine into the testimony which they would receive, it being necessarily on one side; and having no opportunity of examining the proof in defence they should find no bill upon a clear conviction of the guilt of the accused.

In conclusion, he stated that our liberties and the permanency of our free institutions could only be secured by maintaining the supremacy of the laws, securing to the innocent the enjoyment of their rights, and visiting the violator of the law with the punishment due to his guilt.

The jury were then told they could return to their rooms, and the court proceeded to the transaction of business.

[*Gazette.*

OPERATIONS IN FLORIDA.

From the National Intelligencer.

We have been allowed to make the following extracts from a letter from an officer in general EUSTIS's brigade, to his friend in Washington, dated

"*Volusia, March* 25, 1836.

"As we are at this time about to take up our line of march westwardly, you would probably like to hear something of the position of affairs here. Lately, all our movements have tended to the concentration of all our forces upon the banks of the Wythlacoochee. An order for this was issued some time since, but unforeseen circumstances have somewhat retarded the movements of this wing. On the 1st instant, major Kirby was sent with two companies to establish a depot of provisions on Halifax river, and to save some corn that the Indians had not burnt. This was reserved for the use of Bull's brigade of South Carolina militia. Brisband was at Tomoka, 12 miles from camp Williams; to him we were to forward provisions, and Butler, with the cavalry, was to visit camp Williams on his way to Volusia. General Eustis, in Augustine, awaited the arrival of Butler's horse in order to organize, and he prepared for Scott's orders of movement. Butler arrived, and was sent to Tomoka: Bull was directed to proceed to Volusia from Tomoka, by the most practicable route, and to furnish Kirby with transportation, that he might proceed upon the march with him. He was permitted, at his own discretion, to allow a portion of the horse to scour the country while he was preparing to take up the line of march. After issuing these orders, Eustis thought he would (while awaiting Scott's orders) visit camp Williams in the steamboat. The boat got aground, and Eustis was detained several days later than he expected, by which means Scott's orders reached Augustine two or three days before he received them. These orders were to be in the field west of the St. John's by this day. Eustis, with the disposible force left at Augustine, proceeded directly to Picolata, and thence to this place in the steamboat Santee. About the 20th of this month, general Bull, by express, informed major Kirby that he would leave Tomoka at sunrise next morning: (the express reached camp Williams about sunset). Kirby, having no means of transportation, sent word back that, if he would send him means of transportation, he would abandon the post with the stores, and join him immediately. True to his word, Bull left Tomoka at sunrise, leaving a two-horse wagon for each of the companies under Kirby, and a company of South Carolina militia, with all his sick. Of this he informed us. We immediately abandoned all the stores at camp Williams, threw away half our baggage, and marched to Tomoka, leaving the remainder of our baggage in the boats. At Tomoka we found 70 men, out of whom about 24 were fit for duty. This force deserted the post, and marched to Volusia with us; the distance is about 35 miles, which took us three days. I do not exaggerate when I say that more than half the whole distance was swamp. Our wagons broke down repeatedly, and we were compelled to throw away all our baggage except the camp-kettles and a portion of our personal baggage; indeed, we would have been compelled to desert even this, had it not been that general Eustis, being informed by express of our circumstances, sent a wagon to meet us. When we arrived, we found that Butler, with half his horse, had gone in search of us five days previous. He came in to-day, and we take up our line of march to-morrow: we take ten days provisions, and march direct to Wythlacoochee. It is supposed that, after visiting the Indian towns upon the Wythlacoochee, we will march south and east to visit those lying in that direction.

"Two or three days ago about 40 Indians attacked a portion of our troops bivouacked on the opposite side of the river. They got within 25 or 30 yards of the sentinels before they were discovered, and fired upon the men while at their various fatigue duties. They were immediately beaten back, leaving 5 or 6 dead on the ground, and having killed 3 of our men, and wounded several others. Yesterday several horsemen fell in with a small body of Indians, and killed two of their number; on our side one man was wounded. We leave at this post two companies of South Carolina militia, Butler with his horse, (750), Brisband with the infantry; and four companies of first artillery compose that portion of the left wing that go into the field. Companies A, E, G and H, 1st artillery, and captain Ellmore's company of Columbia riflemen, form one battalion under the command of major Kirby. Major Gates remains at this post, in command. We have no certain news from general Gaines. Scott was to have left Camp King for Wythlacoochee to-day; we will meet him there in a few days, when we expect a general engagement."

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Savannah, April 1. The steamboat *Florida* arrived this morning from Florida. We understand from one of the passengers, that generals *Scott* and *Clinch* left Fort Drane on the 26th ult. for the Wythlacoochee, at the head of 2,000 troops and volunteers. The general opinion which prevailed was, that the proffered treaty by *Powell* was for the purpose of delusion, and to afford him an opportunity of concentrating his forces, and making other arrangements to carry on his warfare. There had been no recent engagements between the whites and Indians, that had come to the knowledge of our informant, although it is confidently looked upon that the chiefs have deep and concerted plans to continue in mischief. The proposition of Oceola, and other chiefs, to meet on the 20th was not complied with on their part.

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There are some additional scraps of news from Florida—but no important thing has happened. The general opinion seems to be, that the war is *not* over.

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It will be seen, by the following letter, that the body of mounted men under lieut. col. *Butler*, for whose safety appre-

hensions were entertained, have returned to the army of gen. Eustis:

"*Volusia, March 27th*, 1836.

"The left wing of the army of Florida, brig. gen. Eustis crossed the St. John's yesterday, and marched this morning for the seat of war.

"Col. Butler's command, for whose safety so much anxiety was manifested, has returned safe. Their detention was caused by bad roads. Three guides have arrived to-day from St. Augustine to accompany the army.

"The mounted men sent in pursuit of col. Butler, engaged a body of Indians, and but for the cowardice of the lieutenant the whole force would have surrendered to them. The Indians were entirely run down by the horses, when he made his men retreat. Three of the Indians were begging for mercy.

"The whole number of troops here before the movement was fifteen hundred, including 750 horse."

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The Savannah Georgian says:—"General Scott has authorised general Woodward and majors Watson and Flournoy, to receive into service, for the Seminole campaign, five hundred friendly Creek Indians. To this end, the United States' agents are required to co-operate with those officers."

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Despatches from major general *Scott's* head quarters in Florida, dated Fort Drane, March 20, have been received at the adjutant general's office, of which the following is an extract:

"For the information of the secretary of war and general-in-chief, I addressed you a hasty note on the 14th. Nothing material has since occurred. This wing is waiting to give time to brigadier general Eustis and colonel Lindsay to gain their respective positions, Pelaklekaha and Chichuckaty, for the arrival of the wagons sent hence to Gary's Ferry for subsistence, the last of which may be expected by the 24th, with (it is hoped) some additional teams from Savannah, and for the troops from New Orleans to recruit, their strength. All these objects, I have good reason to hope, will be accomplished by the 26th or 27th instant, although I have not had a line from col. Lindsay later than his letter dated at Mobile the 13th ult. In the mean time, it is confidently believed that the great body of the enemy remains in the swamp or cover of the Wythlacoochee, about the junction of its three branches, say twenty-five miles from this place. I send a topographical sketch of that vicinity, made by my aid, lieutenant Johnston, from information received here, and principally from col. Gadsden, the quartermaster general of Florida, whom I have taken into the service of the United States, and my staff, with that rank. His minute knowledge of the country and the hostile Indians, together with his general military intelligence, render him a valuable acquisition. I also expect to derive much valuable assistance from colonel Fitzpatrick, the president of the territorial legislative council, particularly if the war should be carried into the lower part of the peninsula, with which he is, perhaps, better acquainted than any other individual in the territory. He is with me, and is well disposed to render himself generally useful.

"You will receive with this copies of several orders. No 13 was supposed to be necessary, in order to be provided with the best kind of means to ferret out of the swamps, and other hiding places, small parties of the enemy, which may be expected to remain out after the great body of the nation shall be subdued. General Woodward and majors Watson and Flournoy, mentioned in that order, are strongly recommended to me as suitable persons to direct the detachment of 500 Creek warriors. I trust that this step on my part may meet the approbation of the war department. It seemed to me to be dictated by a wise discretion, and it will, probably, by abridging time, save many valuable lives from the effects of the summer climate of the lower country.

"The order limiting the ration of bread or flour is the direct result of the want of sufficient means of transportation, and we shall probably be obliged to move hence on the 24th or 25th instant, with less than eighteen days' subsistence for this wing, which will consist of about 1,700 fighting men. No murmur has been uttered in consequence of that reduction in the rations. All are disposed to make any sacrifice which the good of the service shall demand."

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Tallahassee, April 2.

To the politeness of adjutant general Brown, we are indebted for the perusal of a letter from gen. Scott and one from col. Gadsden, dated Fort Drane, 22d March, brought by express.—Gen. Scott, complains of embarrassment for want of subsistence, created by the unexpected movement of gen. Gaines from Tampa, and the consequent consumption of the supplies provided for the other divisions of the army. He apprehends also that col. Lindsay may follow the same route, though a letter had been despatched to him by a friendly Indian, directing him to take the position of Chichuckaty, by the 25th inst. and advising him that gen. Eustis would be on the Pelaklekaha, and that gen. Clinch would force a passage of the Wythlacoochee, between the 24th and 28th.

This combined movement has probably been effected, as we are happy to learn through a volunteer recently arrived from Tampa, that the letter above referred to, was received by col. Lindsay on the 25th who immediately took his position about 40 miles from Tampa. The enemy is now enclosed by nearly five thousand men and will be forced to give battle or surrender. Commodore Dallas, at Pensacola has been instructed to co-operate, and the revenue cutters required to repair to the western coast of the peninsula. Should it be necessary, measures will be taken to send provisions to the mouth of the Wythlacoochee, whence boats can ascend to Camp Graham.

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The war with the Seminole Indians will be exceedingly expensive. Millions will not pay the cost of it. Great waste has been made by want of means of transportation and for the support and supply of the mounted force, present.

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MORE INDIAN TROUBLES—PERHAPS.

Near Fort Gibson, Arkansas territory, March 14, 1836.

I promised to write you should any thing turn up in this quarter, and I know at home an interest is felt for the far west, and for those who defend her frontiers.

Things in this quarter look as if we were to have trouble ere long with the Indians on the Grand Prairie.

An express arrived at head quarters a few days since, announcing to gen. *Arbuckle* that the Camanches and Pawnees had murdered all the traders at *Coffee's trading house*, on Red River, in the Pawnee country. One man only escaped; he has arrived here, and described the massacre as dreadful, 50 or 60 Americans and some Creeks and Osages were butchered.

It was near Coffee's trading house that the treaty last year was made with the Camanches and Pawnees, but owing to col. *Dodge* not being there agreeably to promise, the treaty was torn up and *Tabaquina*, a fierce and savage Camanche warrior, warned gen. *Coffee* and his men to leave their country, his not complying has been fatal to them all. Our men who saw the Camanches last summer describe them as a fierce, warlike race of men, well mounted and armed with a lance and shield. They are a wandering tribe, and we may look for them all next summer without even crossing their trail. There is no doubt that the United States will resent these murders, and we will march from here as soon as the grass will admit of our horses living on it. The whole regiment of dragoons will concentrate and be joined by the 7th infantry, now at Fort Gibson. *Chite McIntosh*, the Creek warrior, swears vengeance against the Pawnees and Camanches, and he will no doubt add 6 or 700 warriors to our command. We are making every preparation, and we shall get off, I suppose, by the 1st May, or sooner.

General Arbuckle has put Fort Gibson in good repair, and mounted field pieces in the block houses, so that should our neighbors ever make an attack, they will find things in better preparation than at poor major *Dade's* command.

FROM TEXAS.

From the New Orleans Bee.

FALL OF SAN ANTONIO AND MASSACRE OF THE TEXIAN TROOPS.

The following important documents were placed in our hands by a gentleman just arrived from Texas. The news is melancholy, indeed; and here is opened another field of action for the noble hearts now returning triumphant, and covered with laurels won on the banks of the Wythlacoochee, against foes less savage, perhaps, than Santa Anna's merciless Mexican bands.

Our informant met the express bearing the news we give, and from him procured copies to be published for the information of the people on this side of the Sabine, whose relations and friends, kin and countrymen, are now the victims of Mexican barbarity. Col. Bowie, it is said, shot himself; and col. Travis stabbed himself to escape the cruelties of the enemy. Nobly they fought; dearly they sold their lives, but none escaped of the whole garrison of San Antonio.

Head quarters, Gonzales, March 11, 1836.

J. W. Fanning, jr. commanding at Goliad:

SIR: Upon my arrival here, the following intelligence was received through the Mexican supposed to be frendly, which however was contradicted in some parts by another who arrived with him: it is therefore only given to you as rumor, though I fear a melancholy portion of it will be found true. Ansilma Burgura states that he left the Alamo on Sunday, the 6th inst. and now is three days from Aroaches Rancha; that the Alamo was attacked on Sunday morning, at dawn of day, by about 2,300 Mexicans, and was carried a short time before sunrise, with a loss of 520 Mexicans killed and as many wounded. Col. Travis had only 150 effective men out of his whole force of 187. After the fort was carried, seven men surrendered and called for gen. Santa Anna for quarter—they were murdered by his order. Colonel Bowie, was sick in bed, and also murdered.

The enemy expect reinforcement of 1,500 men under general Condilla, and 1,500 reserve to follow them. He also informs that Ugartrehear had arrived with two million dollars for the payment of the troops. The bodies of the Americans were burned after the massacre—an alternate layer of bodies and wood, underlaid and set on fire. Lieut. Dickinson, who had a wife and child in the fort, after having fought with desperate courage, tied his child to his back, and leaped from the top of a two story building—both were killed in the fall. I have little doubt but that the Alamo has fallen. Whether the above particulars are all true may be questionable; you are therefore referred to the enclosed orders.

I am, sir, your obedient servant,

(Signed) SAMUEL HOUSTON.

P. S. The wife of lieut. Dickinson is now in possession of one of the officers of St. Anna. The men as you will perceive, fought gallantly, and in corroboration of the truth of the fall of

the Alamo, I have ascertained that col. Travis intended firing signal guns at three different periods each day until succour should arrive. No signal guns have been fired since Sunday, and a scouring party have just returned who approached within twelve miles of the fort, and remained for 48 hours. S. H.

TO THE PEOPLE OF THE UNITED STATES.

The intelligence conveyed to us by the above letter, confirm all that we have heretofore alleged of the arch fiend, who, after subverting the liberties of his own countrymen, has arrayed all his forces to reduce us, the free born colonists of Texas, to the yoke of military and ecclesiastical despotism.

We have exercised the right inherited in all considerable societies of men, of choosing the form of government, most consonant with our feelings and most likely to secure our happiness.

It is the same right which impelled your fathers and our fathers, to throw the gauntlet of defiance at the power of Britain, and to claim and gloriously to achieve a name among the nations of the earth. Their enemy was comparatively Christain and magnanimous. Ours is semi-civilized, infuriate and merciless. They appealed to the sympathies of monarchs and of strangers, and they appealed not in vain. Aid, prompt, powerful and efficient, was rendered them.

The descendants of Pericles lifted up their voice to supplicate the aid of strangers in their struggle for liberty, and you Americans responded to their call by a zealous, active and efficient succor. The gallant Poles also richly participated in your generous sympathy for the oppressed. Friends and brothers! we the citizens of Texas, threatened with an indiscriminate slaughter by the Mexicans, of a complicated and cruel disposition, now in this hour of trial turn our thoughts and our hearts with an unwavering confidence to the land of our common nativity, and we ask you for assistance. Our numbers are few but our hearts are firm, and our nerves are strung to the high resolve of *liberty or death*. Will you, brothers and friends, refuse to do us as in the hour of your calamity was nobly done for you? and will you calmly witness the destruction of your kindred and triumph of tyranny, and make no effort to save the one or arrest the other? It cannot, it will not be. The sainted spirit of Washington would rebuke your apathy, and could pain invade the beatitudes of heaven, would warm over the recollections of '76.

On motion of Mr. Parmer this appeal was annexed and ordered to be communicated to the people of the United States of America, accompanying the communication of major general Saml. Houston to James Collingsworth, esq. chairman of the military committee on the 16th day of March, 1836, at Washington.

Signed, RICHARD ELLIS, *president of the convention.*
W. S. KIMBAL, *secretary.*

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From the New Orleans True American.

We learn by a passenger of the schooner Camanche, eight days from Texas, that the war has assumed a serious character. On the 25th February the Texian garrison in Bexar, of 150 men, commanded by lieut. col. B. Travis, was attacked by the advance division of gen. Santa Anna, consisting of 2,000 men, who were repulsed with the loss of many killed, between 500 to 800 men, without the loss of one man of the Texians. About the same time, colonel *Johnson*, with a party of 70 men, while reconnoitering the westward of San Patricio, was surrounded in the night by a large body of Mexican troops. In the morning the demand of a surrender was made by the Mexican commander unconditionally, which was refused, but an offer of surrender was made as prisoners of war, which was acceded to by the Mexicans; but no sooner had the Texians marched out of their quarters and stacked their arms, then a general fire was opened upon them by the whole Mexican force. The Texians attempted to escape, but only three of them succeeded, one of whom was col. *Johnson*.

Between the 25th February and 2d March, the Mexicans were employed in forming entrenchments around the Alamo, and bombarding the place; on the 2d March col. *Travis* wrote that 200 shells had been thrown into the Alamo without injuring a man. On the 1st March the garrison of Alamo received a reinforcement of 32 Texians from Gonzales, having forced their way through the enemy's lines, making the number in the Alamo consist of 180 men.

On the 6th March about midnight, the Alamo was assaulted by the whole Mexican army, commanded by *Santa Anna* in person. The battle was desperate until daylight, when only seven men belonging to the Texian garrison were found alive, who cried for quarters, but were told that there was none for them. They then continued fightning until the whole were butchered. One woman (Mrs. *Dickinson*) and a negro of col. Travis', were the only persons whose lives were spared. We regret to say that colonel *David Crockett*, his companion, Mr. *Jesse Benton*, and col. *Bonham*, of South Carolina, were among the number slain. Col. *Bowie* was murdered in his bed, sick and helpless. Gen. *Cos*, on entering the fort, ordered the servant of col. Travis to point out the body of his master, he did so, when Cos drew his sword, and mangled the face and limbs with the malignant feelings of a Camanche savage. The bodies of the slain were thrown into a heap in the centre of the Alamo and burnt. The loss of the Mexicans in storming the place was not less than one thousand killed and mortally wounded, and as many wounded; making, with their loss, in the first assault, between two and three thousand men. The flag used by the Mexicans was a blood-red one, in the place of the constitutional flag. Immediately after the capture, general *Santa Anna* sent Mrs. *Dickinson* and servant to gen. *Houston's* camp, accompanied by a Mexican with a flag, who was the bearer of a note from gen. *Santa Anna*, offering the Texians peace and a general amnesty, if they would lay down their arms and submit to his government. Gen. *Houston's* reply was: "True, sir, you have succeeded in killing some of our brave men, but the Texians are not yet conquered."

The effect of the fall of Bexar throughout Texas was electrical; every man who could use a rifle, and was in a condition to take the field, marched forthwith to the seat of war. It is believed that not less than 4,000 riflemen were on their way to the army when the Camanche sailed, determined to wreak their vengeance on the Mexicans.

General *Houston* had burnt Gonzales and fallen back on the Colorado, with about 1,000 men; col. Fanning was in the fort at Goliad, a very strong position, well supplied with munitions and provisions, with from 400 to 500 men.

The general determination of the people of Texas is to abandon all their occupations and pursuits of peace, and to continue in arms until every Mexican east of the Rio del Norte shall be exterminated.

We publish above the account of the fall of San Antonio into the hands of the Mexican army, and of the massacre of the Texian troops. The following letter, written by the commander of the Texian garrison, a few days before its overthrow, breathes a spirit worthy of a better fate than that which subsequently befel him and his gallant band:

Letter from col. Travis to the president of the convention.

Commandancy of the Alamo, Bejar, March 3, 1836.

SIR: In the present confusion of the political authorities of the country, and in the absence of the commander-in-chief, I beg leave to communicate to you the situation of this garrison. You have doubtless already seen my official report of the action of the 25th ult. made on that day to gen. Samuel Houston, together with the various communications heretofore sent by express. I shall therefore confine myself to what has transpired since that date.

From the 25th of the present date, the enemy have kept up a bombardment from two howitzers, (one a five and a half inch, and the other an eight inch), and a heavy cannonade from two long nine pounders, mounted on a battery on the opposite side of the river, at the distance of 400 yards from our walls. During this period the enemy have been busily employed in encircling us with entrenched encampments on all sides, at the following distances, to wit:—In Bajar, 400 yards west; in Lavillera, three hundred yards south; at the powder house, one thousand yards east by south; on the ditch, eight hundred yards north east; and and at the old mill eight hundred yards north. Notwithstanding all this, a company of thirty-two men from Gonzales made their way into us on the morning of the 1st inst. at three o'clock, and col. J. B. Bonham, a courier from Gonzales, got in this morning at 11 o'clock, without molestation. I have so fortified this place, that the walls are generally proof against cannon balls; and I still continue to intrench on the inside, and strengthen the walls by throwing up the dirt. At least two hundred shells have fallen inside of our works without having injured a single man; indeed we have been so fortunate as not to lose a man from any cause, and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. We have contended for ten days against an enemy whose numbers are variously estimated at from 1,500 to 6,000 men, with gen. Ramires Seizma and col. Batres, the aid-de-camp of Santa Anna, at their head. A report was circulated that Santa Anna himself was with the enemy, but I think it was false. A reinforcement of about 1,000 men is now entering Bejar from the west, and I think it more than probable that Santa Anna is now in town, from the rejoicing we hear. Colonel Fannin is said to be on the march to this place with reinforcements, but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Col. Bonham, my special messenger, arrived at La Bahia fourteen days ago, with a request for aid; and on the arrival of the enemy in Bejar ten days ago, I sent an express to Colonel F. which arrived at Goliad on the next day, urging him to send us reinforcements—*none have yet arrived.*

I look to the *colonies alone* for aid; unless it arrives soon, I have to fight the enemy on his own terms. I will however do the best I can under the circumstances; and I feel confident that the determined valor, and desperate courage, heretofore evinced by my men, will not fail them in the last struggle; and although they may be sacrificed to the vengeance of a gothic enemy, the victory will cost the enemy so dear, that it will be worse for him than a defeat. I hope your honorable body will hasten on reinforcements, ammunition and provisions to our aid, as soon as possible. We have provisions for twenty days for the men we have: our supply of ammunition is limited. At least five hundred pounds of cannon powder, and two hundred rounds of six, nine, twelve and eighteen pound balls—10 kegs of rifle powder, and a supply of lead, should be sent to this place without delay, under a sufficient guard.

If these things are promptly sent and large reinforcements are hastened to this frontier, this neighborhood will be the great and decisive battle ground. The power of Santa Anna is to be met here, or in the colonies; we had better meet them here, than to suffer a war of desolation to rage in our settlements. A blood red banner waves from the church of Bejar, and in the

camp above us, in token that the war is one of vengeance against rebels; they have declared us as such, and demanded that we should surrender at discretion, or that this garrison should be put to the sword.

Their threats have had no influence on me, or my men, but to make all fight with desperation, and that high-souled courage which characterises the patriot, who is willing to die in defence of his country's liberty and his own honor.

The citizens of this municipality are all our enemies, except those who have joined us heretofore; we have but three Mexicans now in the fort; those who have not joined us in this extremity, should be declared public enemies, and their property should aid in paying the expenses of the war.

The bearer of this will give your honorable body a statement more in detail, should he escape through the enemy's lines.

GOD AND TEXAS—VICTORY OR DEATH!!

Your obedient servant,

W. BARRETT TRAVIS, *lieut. col. comm.*

P. S. The enemy's troops are still arriving, and the reinforcement will probably amount to two or three thousand.

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The annexed letter from the assistant inspector general for the army of Texas, confirms the intelligence of the distressed condition of that country:

Head quarters, Velasco, 6th March, 1836.

To the editor of the Mobile Register.

SIR: I deem it my duty to my fellow citizens to inform our brethren in the United States of our perilous condition at present. Last night an express arrived with the news, that one division of the Mexican army, 4,000 strong, meeting the small force under lieut. Thornton, had driven them in, and are now in full march for the interior of Texas. Col. Travis is besieged in St. Antonio, with little provisions and a garrison of only 150 men, and we hourly expect an attack on this point of the coast, from the Mexicans by sea, under Ugarthchea, 3,500 strong. We have in the field now about 700 men to oppose this force. There is here under my command, only 120 men, when we expected at least 2,000—and it is thought the Mexican army is within a few days' march of us.

The families at a short distance from us are flying before the enemy, and have left their stock, their houses and crops to the mercy of the tyrant, who is in person at the head of his army.

We call on you by the sacred ties of country, language, habits and kindred, not to desert us in this our hour of danger. Delay for a time and we may be lost—we want immediate aid, and men and arms. Do not be deaf to our requests, but come forward as you have heretofore done, and say "forward to the rescue." I have the honor to be your obedient servant,

GEO. W POE, *assist. inspec. gen. of the army of Texas.*

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From the New Orleans Bulletin, April 1.

The report received from Natchitoches, by passengers on board the Caspian, is, that another engagement between the Texians and Mexicans had taken place on the San Antonio river, which resulted in the Mexicans' defeat after a loss of 600 killed and wounded. The Texians were under the command of gen. *Houston.*

STATISTICAL VIEW OF MEXICO.

From the Commercial Bulletin.

The United States of Mexico formed their constitution in 1824, on the plan of our federal union. The deviations were few and inconsiderable. 19 states and 4 territories formed the confederation. A president was to be elected every four years, and could not be re-elected. A senate of two members from each state, and a deputy for each 80,000 population formed the congress.

According to that constitution, every man at 18 years of age became a voter; no other qualification was required. Indians and Mestizoes, negroes and mulattoes, were equally free citizens and voters.

The population of Mexico is at present about 8,000,000. In 1794 it was 5,000,000; in 1806 it was 5,500,000, in 1825 it was 6,850,000. This population is divided as follows: 1. Indians, 4,000,000—2. Mestizoes, that is, descendants of Indians and Spanish, 2,000,000—3. Creoles, Spanish descent, born in Mexico, 1,200,000—4. Zambos, Indian and negro descent, and mulattoes, 600,000—5. Negroes, 100,000—7. Estrangeroes, or strangers, American, English, French, Italian, &c. 15,000.

By this relative population, we perceive that Indians and Mestizoes form the great bulk of the nation, and with equal privileges, are sure to rule at some future time. They are, however, at present regarded with extreme contempt, and are by the whites opprobiously denominated irrational. The number of Indians remains nearly the same as when first discovered by the Spaniards three centuries ago; and their manners and religion have been little affected by their white intruders.

The land in Mexico is generally much superior to that of the United States. Almost all the productions of other climes grow there in rich luxuriance.

The produce of maize is wonderful. An acre has been known to yield 200 bushels, and some stems are twenty feet high with five or six large ears.

Wheat grows well only on the table land, but there it commonly yields 25 for 1. In the irrigated lands of Mexico it has yielded 50 to 1, while in Europe only 10 or 12 to 1 is considered the average production, and the best lands in Kentucky yield only 22 for 1.

To produce 1,000,000 pounds of sugar, only 150 laborers are required, while 300 are requisite in Cuba and Louisiana.

The production of coffee is still easier in Mexico; 20 men can attend 200,000 trees, which on an average produce 500,000 pounds.

Cotton also, of a quality far superior to ours, can be purchased in many parts of Mexico, in greater quantities by one-third, than can be obtained from the best lands in Louisiana.

The silver mines in Mexico are perhaps inexhaustible; 3,000,000,000 of silver have been drawn from them during 300 years past, averaging $10,000,000 per annum.

OPENING OF THE WINCHESTER AND POTOMAC RAIL ROAD.

From the Baltimore Gazette, of April 2.

A number of gentlemen who had been invited by the Winchester and Potomac company to assist at this celebration, left Baltimore with the morning train of cars and were joined at Harper's Ferry by a deputation from that place. The party, now consisting of about fifty, proceeded on to Winchester in two beautiful and very commodious cars, drawn by the locomotive "Tennessee," and were followed by the engine *Thomas Jefferson*—the latter belonging to the Baltimore and Ohio rail road company, and now temporarily loaned to the Winchester company for the purpose of aiding them in the transportation of the trade on their road, which, it appears, had so greatly exceeded the expectations of the directors, as to be far beyond the actual means of the company to dispose of it.

The latter engine took in its train 15 burthen cars richly freighted with the merchandise of our city, destined to south western Virginia and the state of Tennessee—and the whole proceeded in fine style, accompanied by a full band of music from Harper's Ferry, and reached Winchester at about half past 4 o'clock in the afternoon, where their arrival was announced by a discharge of artillery and warmly greeted by the enthusiastic acclamations of an immense multitude of spectators from the city of Winchester and the surrounding country.

Upon alighting from the cars the deputations were met by the president and directors of the Winchester rail road company, and were addressed in an eloquent speech by Mr. Bruce, their president, who, after drawing a vivid picture of the immense benefits this nation is about to derive from the numerous schemes of internal improvements now in progress, or in contemplation, concluded by the following remarks, addressed immediately to the delegates from Baltimore:

"To you, gentlemen, and your associates, the fathers of the rail road system in America, belongs the enviable merit of warding off that evil day. The patriot, surveying the vast extent of national domain, though it encourages the rapid growth of civil communities, by giving ample room to individual exertion, and clothing man with increased importance, because he is vain—might well be alarmed for the duration of the confederacy, did not the facilities of intercommunication keep pace with its enlargement. The rail road system is eminently calculated to quiet his fears. The philanthropist would have reason to dread the downward tendency of all new settlements, thrown upon themselves, and restricted in the enjoyment of social and commercial intercourse—rail roads are destined to circulate to their utmost borders the refinements of trade, and the political and moral intelligence so essential to the duration of our liberties. The statesman beholds, in our extended and exposed seacoast, many openings for the assaults of a foreign foe—your system of furnishing a conveyance, rapid as the signal of invasion, will concentrate the fresh and hardy inland soldier, upon the vulnerable points—and your citizens, should the horrors of war again threaten their fire-sides, must expect to share with our Highland blues, in the glory of their defence. Though wide as the empire of the czar, the extension of this system will give to our confederacy the effectual compactness and elastic power of the little islands of Britain. If interest and social sympathy cement not our government, in vain were the declaration 'the union *must* be preserved.' It will be preserved, echoes from the rail road conventions held amid the defiles of the Alleghany and the recesses of the western forests—this feeling vibrates through a lengthening chain of commercial parts, and rouses with a thrill of kindred enterprise the men of Charleston, Cincinnati and Chicago. Borne far inland, on the broad waters of the Chesapeake—the rail road metropolis may survey the numerous undertakings similar to her great works which chequer our land—with pride exclaim 'these are my children,' and may bid defiance to all attempts to wrest from her the advantages of her commanding situation. On the south her arm extends along the verge of tide-water, and welcomes those improvements which promise to link the Atlantic capitals. On the north, her enterprise taps the commercial streams of the Susquehannah, and furnishes to her rival an outlet for her trade, where nature refuses to open her own artificial channels. From no point of their commercial horizon, can your citizens expect more certain or more abundant supplies than from the fertile valley of the Shenandoah. Our tributary road will eventually bring the wares of your merchants and the products of our farms into daily and advantageous exchange. But a few years ago the sun performed two revolutions, ere the weary traveller from your city could reach Winchester—now it is accomplished in little more than half his daily course, and soon your citizens may have it in their power to witness from the summit of their monuments the glory of his rising in the

ocean, and find in the shades of our mountains a healthy retreat from his noontide ray. We watch with anxiety the prosperous march of your city--though Virginians politically and socially, we feel interested in the growth of a southern emporium. The Maryland line, shoulder to shoulder, with the chivalry of the Old Dominion breasted the hardships and shared in the glories of the revolution, and the true interests of their sons will never allow them to be at variance in the generous strife of internal improvement.

"Let the pulse of enterprise, which beats from the heart of the union, from those sacred halls, where the father of his country and the first advocate of its commercial union resigned the sword of power for the laurels of peace, but animate our statesmen at Richmond and that city and Norfolk and Petersburg and Lynchburg, in the reviving gains of a flourishing commerce will soon be enabled to spare.

"The overflowing trade which may pass through this valley in exchange for the merchandise of a neighboring state—your city, gentleman—your state—your country call upon you for continued exertion. Onward, gentleman, onward."

To which the president of the Baltimore and Ohio rail road company returned the following rely:

"Permit me, in the name of the company which I have the honor to represent, to thank you for the very flattering manner in which you have been pleased to speak of its exertions. Remote as the Baltimore and Ohio rail road company is from the points of its ultimate destination, it may be considered, nevertheless, to have accomplished much in advancing its steps so far as to form the connexion we this day meet to celebrate: and whatever may hereafter be its progress, I am very certain, that at no point in its onward course, can those entrusted with its execution, find a warmer or more gratifying welcome, than we have on the present occasion experienced.

"In the connexion that is now established between the valley of the Shenandoah, or as it has been emphatically called "the great valley" and the city of Baltimore, there can be little doubt, that the interests of Virginia and Maryland will be materially promoted. You have alluded to a by-gone day, when common dangers, in a common cause, united these states in the closest bonds of sympathy and affection. The feelings which that memorable epoch elicited have been cherished and kept in full vigor during the happy and peaceful times that have followed—and the column, which has won for the chief city of Maryland the epithet of 'monumental city,' is a tribute to a son of Virginia, universally hailed as the father of his country, and whose fame now fills the world.

"Your eloquent exhortation to continue our efforts, until the work we have commenced shall be accomplished, will not be disregarded. The country is now aware of the importance of the undertaking, and should the necessary means be obtained, of which there seems but little doubt, we may, in three brief years from this day, call upon our hospitable hosts to join us in a trip to celebrate the connexion of the Baltimore and Ohio rail road with the tributaries of the Mississippi, and in return may we not with equal certainty, hope that the time is not far distant when we shall be called upon to join in proclaiming on the summit of the southern Alleghanies the completion of the great rail road which, passing through the valley of Virginia, is destined to cement in one common interest, the vast country between Portland and New Orleans. Then will our most sanguine anticipations be realised, and then may the patriot, in the full exultation of his feelings, exclaim "THE UNION HAS BEEN PRESERVED!"

After this ceremony the company proceeded to "the Virginia house," kept by Mr. Aulick, where they partook of a most sumptuous dinner that had been prepared for the occasion. The company at dinner consisted of more than 100 gentlemen. The utmost good feeling prevailed. Mutual congratulations were exchanged on all sides at the happy and successful completion of the road, and a sincere gratification was felt, that the citizens of Baltimore and Winchester were hereafter destined to become so nearly connected by the bonds of a close and intimate social and commercial intercourse.

The party, after spending a most agreeable day, separated at an early hour—and the deputation from Baltimore returned the next morning highly delighted with their excursion, and deeply impressed with the warm and generous hospitality of their Winchester hosts.

SPECIE PAYMENTS—AT BANKS.

Reported for the Journal of Commerce.

SUPERIOR COURT—APRIL 5TH.

Chief justice Jones presiding.

John Thompson *vs.* the Union bank.

This was an action for the amount of a note of 500 dollars of the Union bank protested for non-payment. From the evidence it appeared that on the 14th of October last, the plaintiff, about half past ten o'clock, sent a boy to the Union bank with one of their notes for 500 dollars, to get specie for it. The boy presented the note to the teller at the bank counter, who told him that the porter was then out, and that the boy could not be paid until he came in. The boy waited for about half an hour, at the expiration of which the porter returned and the boy asked him for the specie. The porter replied that he had to go out again, and would be in soon, and then left the bank. The boy returned to Mr. Thompson, who went over to the bank himself, and made some angry observations on the note not having been paid, but it was not proved that he then demanded payment for it. Mr. Thompson then left the bank and put the note into the hands of Mr. Crooke, a notary, who went to the bank about 12 o'clock and demanded specie for the note. The teller took the note and placed it under a saucer, and told Mr. Crooke that the porter was then weighing specie and that the note would be paid before two o'clock. Mr. Crooke then asked the teller if he declined paying the note, to which the teller replied "I do not decline it, but decline having any further conversation with you." Mr. Crooke then took away the note and protested it for non-payment. It appeared that at the time the plaintiff sent for the specie a customer was then waiting for it at the plaintiff's. This was the case for the plaintiff.

For the defence. It appeared that provision was made by the bank every morning for specie payments during the day, to the amount of from 500 dollars to 1,500 dollars, and that the usual amount of specie had been brought up that morning, but that part of it was exhausted before the plaintiff sent for payment of his note. It was not, however, very clearly shown what amount of specie had been brought up the morning in question, or what part of it had been paid away before the plaintiff sent the 500 dollar note for payment; but it appeared that on the same morning the plaintiff's boy had been paid a note for 100 dollars, prior to his going with the note of 500 dollars. It also appeared that the plaintiff was in the habit of sending to the bank for specie, and that special care was taken by the bank to have it always ready to meet his demands. It appeared that when the notary called for payment, the porter was then engaged in weighing specie, but it did not appear that any person but the notary was then waiting for it. Relative to the porter's absence when the boy called, it appeared that it was the usual practice of the bank to send the porter on business about ten o'clock, and that he invariably returned before 12 o'clock. According to the evidence of the bank teller, it was between one and two when the notary called; but the notary positively deposed that when he protested the note, it was then only a quarter past 12 o'clock. Evidence was adduced to show that the plaintiff was hostile to the bank, and had endeavored to harrass and annoy it, and it appeared that there had been an unfriendly feeling between the parties before the transaction occured, which caused the present suit. This was the case for both sides.

The court charged the jury, that this was an action against the Union bank for non-payment of one of their notes. These notes as was known to the jury, were in the common form, by which the bank promised to pay the sum mentioned in it on demand, and the first question was what is the obligation which such a note imposes on the bank? And the second question was, had the bank refused to pay the note in such a way as to render them responsible? That Mr. Thompson being the *bearer* of the note was entitled to be paid, there could be no doubt; as such were the precise words of the contract. The question was then, whether the words in the note bore any precise import differing from the common acceptation in which the words were understood; or whether the words "on demand" mean a different period of time, when used in relation to one individual holding the notes of another. In the latter case they all knew that the person was bound to pay the note immediately, and if he did not do so, he was liable to an action. In all such cases the note, if sued for, must be paid, though it had never been presented for payment. When the note becomes due, the maker of it must look out for it himself. Though the endorser of a note must receive notice, the maker of it need not. But with regard to our banking institutions, the matter stood on somewhat different grounds. A bank, being a corporation or body politic, acted through its agents by certain practical modes. One of these modes was, that it had a banking house where there was a counter at which their notes were paid; and therefore their case differs from that of individuals, and an action can't be maintained against them, without demanding payment at the place where every one who takes their notes goes for that purpose, under the engagement that they are to call for payment at the bank counter. And the rule of law applicable to the bank, is, that the holder of the note is bound to present it for payment at the ordinary place where such notes are paid; and instead of the maker of the note being obliged to search out for the holder, the holder must call on the maker. But if he does call and demands payment, the bank is then bound to pay it. In relation to the mode of paying, every one is to be paid in their turn, and the construction of the law relative to these turns is, that the person who first presented the note for payment, is to be first paid. If there are fifty before you, you must wait for your turn; and when that comes you are entitled to say, here are your bills, for which I want specie; and it is then the duty of the bank to pay you before any other customer: the bank however should have a reasonable time to pay, for though they are bound to pay on demand, impossibilities or unreasonable acts are not required of them. If a person demanded payment of a very large sum, amounting suppose to 100,000 dollars, it would be unreasonable and unjust both to the bank and all other customers in it, that the bank should stop its business in order to weigh out so large an amount of specie. In such a case the bank is entitled to a reasonable time, to bring up the money and weigh it, and whilst that was being done, the bank would have a right to go on and pay other customers, and the person who called for the large amount of specie should stand aside and wait. The

bank is however entitled to such indulgences only in proportion to the infrequency of the demands on them for specie, and the credit of their bank paper, which might induce them to have a less quantity of specie ready than would meet an extraordinary demand. But the bank is bound to have accomodations and facilities for making payments in proportion to the amount of its dealings, and if it banked on a capital of 100 millions, it should have accommodations and conveniencies on as complete a scale, according to the amount of its trade, as if it only banked in a capital of 100,000. Putting aside however the interior arrangements of the bank. In proportion to their means the smaller banks are bound to pay as promptly as the larger ones; and the only indulgence they are entitled to, is what the circumstances of the case render absolutely necessary. The great question was then, had the bank refused to pay according to the general import of the term? and the only thing to be taken into view was the circumstances under which the demand was made, and whether they were such that the bank should have had some short time to pay it, or in other words did they pay it in such a reasonable time as they ought? For example, if they had a large sum in specie brought up from their vaults that morning, and had paid it all away except what was necessary for small checks, then it would be unreasonable to insist on being paid a large amount without waiting until it could be brought up. But except in such a case as this, the bank has a right to pay immediately, and has no right to put off a party until two or three o'clock, if they could pay in a short time. Then did the bank, when payment of the bill was demanded, refuse or neglect to pay it? or was there a justifiable excuse for their not doing it; or did they act in so unreasonable a manner as to expose themselves to an action? I think it has been satisfactorily shown that two demands were made, and it is said that a third one was also made by Mr. Thompson; but the teller of the bank has said that Mr. Thompson made no demand, though he called at the bank in a passion. The first demand was made by the clerk in the morning, and he was then told that the porter was out and would be in shortly. When the porter came in, the boy applied to him, and the porter said he was obliged to go out again and would be in shortly. The clerk then waited from a quarter to half an hour, and then returned to Mr. Thompson and told him that he could not get the money at the bank. The question was then, whether the porter's not being there, was a sufficient excuse for not paying the money. That would depend on circumstances. If the porter had that morning brought up a sufficient quantity of specie to make the ordinary payments, and it was exhausted when the boy called, and if the porter was not to be long out, it might be a justification for detaining the boy a short time. But strictly speaking, the bank had no right to make such an excuse, as they were bound to have the porter always there to get up specie whenever it was called for. The bank would scarcely be justified in keeping a person waiting an hour, as that hour might be of the utmost importance to him, and the circumstances that could justify the bank in doing so, must be of a very peculiar character. But if it was justified in keeping a person one hour, it certainly would not be justified in keeping a person so long as two hours. In the present case, the porter said that he brought up that morning, from five to $1,500 in specie; but the teller of the bank has shown that there could not have been more than $500 brought up, as there had been but two notes amounting to 200 dollars, paid that morning, and it has not been shown that there was any peculiar disposal made of the remainder of what was brought up; so that in all probability the porter did not bring up more than 5 or 600 dollars that morning. And the jury would consider whether, having such a sum brought up, was acting providently, or was a sufficient excuse not to pay a note of 500 dollars or 1,000 dollars, if the porter was out, in the business part of the day. In considering the question, whether the porter being out for half an hour would justify the bank in not paying their note, something was of course due to the practical experience of merchants, and it might be a question whether the payment of such a note might be postponed for one or two hours; and if doing so was a universal rule or nearly so, it might be a justifiable excuse for the bank to say the porter was out. And the party must wait half an hour. But still the responsibility rests on them, as to whether he should have been out. Five, ten or fifteen minutes, might not perhaps be an unreasonable time to ask a person to wait, unless he said he could not stay so long. The jury had therefore some latitude in considering whether the porter was absent unreasonably long, according to the usual course of business, or whether it was reasonable and proper that the party should be kept over an hour, instead of only fifteen minutes. But under the rule of law, the bank has no right to tell a man to wait for a small sum, and in the present case the bank had no right to defer payment so long as the witness has stated, unless there was some very particular reason for doing so. The second demand was made by the notary a few minutes after twelve o'clock, and he was told that the porter was then weighing gold, and that the note would be paid when he had done. The notary then asked when that would be, and was told between that time and two o'clock. On this occasion the porter was there, and the gold had been brought up and was at the scales; and the testimony is, that $500 could be weighed in five or six minutes. The question then is, was not the bank bound to pay the note in five or six minutes after it was called for. The answer to this has been, that the porter was weighing gold for another person; but there is no evidence to show that any other person was there waiting for it, and it is probable that the porter was weighing the gold for the general business of the bank. Was then the teller justified in putting off the payment, or was the notary obliged to wait from that time until between one and two o'clock? On this question the rule of law is, that the bank, having the porter there, was bound to pay the money in as reasonable a time as possible, having reference to other dealers if any were there at the time. According as the jury considered whether the bank had or had not kept their promise to pay on demand, they would find for the plaintiff in defendant.

Verdict for the plaintiff 500 dollars, (the amount of the note), with interest and costs.

For the plaintiff, Philip S. Crooke and Daniel B. Talmadge; for defendant, Henry E. Davis and Samuel A. Foot.

COMMONWEALTH OF MASSACHUSETTS.

The special joint committee, appointed to investigate the doings of any or all the banks in the commonwealth, having, in pursuance of their instructions, summoned before them, the president, directors and company of the New England bank, of the City bank, and of the State bank, all in the city of Boston, and of the People's bank, in the town of Roxbury, to show cause, if any they have, why their respective charters should not be declared forfeit and void, respectfully

REPORT:

That in obedience to the summons of your committee, the aforesaid banks severally appeared, and were fully heard in their defence. The explanations and arguments, exhibited in their defence, have varied the opinions of your committee, in some respects, but have left them entirely unchanged, as to the illegality and impropriety of the acts complained of. They remain unanimously of opinion, that the aforesaid banks have severally violated the laws, relative to banks and banking, and transcended the limits of their charters. The opinions expressed in their former reports, as to the impropriety of the check system, and the illegality of the rates of exchange charged and taken, on both foreign and domestic paper, have been confirmed by the hearing. Yet, nevertheless, it appeared inexpedient to a majority of your committee, to pursue all the banks to extremities. They have, therefore, endeavored to distinguish between them, believing that the punishment of a part, would be as salutary, as an example, as the punishment of the whole. The supremacy of the laws will be as firmly established, the efficacy of punishment as clearly illustrated, and the claims of justice as amply satisfied, by inflicting the ultimate sanctions of the law upon a portion of the offenders, as upon all who may be guilty. The majority of the committee, therefore, acting upon this principle, and under a high sense of public duty, are constrained to report, that the State bank, and the People's bank have failed to satisfy them, that their charters ought not to be declared forfeit and void. The check system of the State bank, and the extravagant premiums of the People's bank, clearly distinguished them from all others, and, in the opinion, of a majority of your committee, entitle them to the pre-eminence, allotted them by this report.

The New England bank satisfactorily explained one of the strong charges against it, viz: the charge of borrowing money on time and interest. It appeared, that this had been done in only one instance, and that under peculiarly mitigating circumstances.

The committee are unable to perceive any thing in the transactions of the City bank, distinguishing it from many others. It seemed expedient, therefore, to a large majority of your committee, to recommend the discontinuance of further proceedings against the two last named banks.

There are strongly mitigating circumstances in the case of the State bank, which common fairness require us to mention. On the 2d day of January last, at a special meeting of the directors, they, by formal votes, resolved to discontinue the practice of charging a premium on checks and drafts, and since that time have wholly abandoned it. It commenced, without the knowledge of all its directors, these practices, and it appears, that as soon as the fact came to the knowledge of the directors, they, on consultation with the solicitor of the bank, directed an immediate discontinuance of the practices.

The several memorials read to your committee by the banks, in their defence, are herewith presented.

By order of the committee, M. LAWRENCE.

MASSACHUSETTS WHIG CONVENTION.

At an adjourned meeting of the members of the legislature, and of delegates chosen from the various towns in the commonwealth not represented by whigs in the legislature, friendly to the election of *Daniel Webster* to the presidency, holden at the hall of the house of representatives on the evening of Thursday, March 24, 1836, it was unanimously

Resolved, That the members of this convention entertain the fullest and most perfect confidence in the character and political principles of his excellency *Edward Everett*, and that we do cordially recommend and nominate that distinguished citizen as the whig candidate for the suffrages of the citizens of Massachusetts, at the ensuing annual election for the office of governor of the commonwealth.

Resolved, That, with the same entire confidence, we recommend and nominate his honor *George Hull*, a citizen, able, faith-

ful and attached to the constitution, as the whig candidate for the office of lieutenant governor.

The following letter from the hon. *Daniel Webster* to a friend in this city was then read to the convention:

Washington, Feb. 27, 1836.

My dear sir: The whig members of the legislature of Massachusetts, of the last year, saw fit to put me in nomination for the office of president of the United States.

Events have since occurred, which were probably not anticipated, and which may be thought to have rendered a reconsideration of that nomination expedient. If this opinion should be entertained by the whig members of the present legislature, I should exceedingly regret that they should forbear to act upon it, from any motives of delicacy towards me. Indeed, in the state of things at present existing in the country, my personal wishes are, to withdraw my name from the place it occupies before the public, in connexion with the approaching election; and I am restrained from so doing, only by the consideration that there are interests, which might be effected by such a movement, in regard to which the opinions of others ought to be consulted.

I wish you, therefore, my dear sir, to signify to our friends that not only would it give me no pain to be no longer considered a candidate, but that such a change in my relations to the country would be altogether agreeable to my personal feelings. At the same time, I wish it may also be said to them, that I shall not act in opposition to their judgment of what is required by the public good. I shall not separate from them, nor from those principles which we have hitherto maintained, and which, I trust, we shall continue to maintain, whether in majorities or minorities, or in prosperous or adverse fortune. If, in *their* opinion, our common principles and common cause, notwithstanding what has occurred, do still require of me that I remain in my present position, I shall cheerfully abide by their determination, confident that, in no events hereafter to happen, can it become matter of regret to me that I have conformed to what seemed best to their honest patriotism and intelligent sense of public duty.

With this distinct expression of my own personal wishes, therefore, I leave the subject for their decision; desiring them to consider nothing but what just and consistent principle, sincere, patriotic duty, and the great cause of constitutional liberty may appear, in the present posture of public affairs, to demand from them and from me. With very true regard, your obedient servant, DANIEL WEBSTER.

To *H. W. Kinsman*, esq.

On the above letter the Boston Centinel makes the following remarks:

"It is calculated to confirm and fortify the judicious confidence, which the people of Massachusetts have long entertained towards our distinguished fellow citizen. It proves beyond a doubt, that, although universally admitted to be the ablest champion of the constitution, and one of the most virtuous and accomplished statesmen in the country, and worthy of its highest honors, he is disinterested, so far as concerns his own personal advancement. Without any solicitation on his part, the legislature of the last year, nominated him as a candidate for the presidency. Most other men would have been disposed to hold the party to their nomination, under all circumstances: Not so with Daniel Webster; he entreats the convention to consider whether any thing has occurred recently, to change their views, and while he indicates unequivocally, that he is prepared for any sacrifice, so far as he is concerned personally, he magnanimously leaves it with them to decide, whether it is expedient, to have his name withdrawn from the contest. He is, in fact, prepared to go with them and their principles, under any and all circumstances, whether he is placed in the position of a candidate, or a private station. Such a proposition cannot fail to unite in his favor, the best wishes of all patriotic citizens."

The convention agreed to adhere to the nomination of Mr. *Webster* for the presidency—and at the same time, nominated governor *Everett* and lieut. gov. *Hull*, for re-election, which was carried by acclamation.

NORTH CAROLINA CORRESPONDENCE.

His excellency Martin Van Buren:

Dear sir: A portion of your fellow-citizens in this section, feeling a deep anxiety as to your views on a topic which most vitally affects our immediate welfare and happiness, have thought proper to propound to you the following interrogatory, to which we wish an explicit answer.

Do you, or do you not, believe that congress has the constitutional power, to interfere with or abolish slavery in the District of Columbia?

The conspicuous situation in which you are placed, and the importance of a thorough knowledge of your views on this interesting topic, will, we hope, be sufficient apology for the liberty we have taken.

(Signed,) JUNIUS AMIS,
ISAAC HALL,
JOHN WALL,
C. YELLOWBY,
SAML. B. SPIRRILL,
JAS. W. PUIZINN,

Jackson, Feb. 23*d*, 1836.

Mr. Martin Van Buren's reply.

Washington, March 6*th*, 1836.

Gentlemen: I have the honor to acknowledge the receipt of your letter apprizing me of the deep anxiety which is felt by a portion of your fellow citizens, as to my views upon a topic vitally affecting their immediate welfare and happiness, and the importance of their being possessed of a thorough knowledge of them; and asking me to say, whether I do or do not believe that congress has the constitutional power to interfere with or abolish slavery in, the District of Columbia?

I am not only willing, but desirous, gentlemen, that you should have the most thorough knowledge of my views and feelings upon the delicate and interesting subject with which your question is connected; and I shall endeavor to acquaint you with them in the fullest manner in my power.

Not having, heretofore, had the honor of being in political communication with you I am not advised whether the sentiments relating to it, which have been avowed by myself and by my authority, within the last two years, have come to your knowledge. I deem it therefore proper, to furnish you with the substance of them, before I reply to your more specific inquiry. The avowals to which I refer, were—

1st. An opinion that congress has no right to interfere in any manner, or to any extent with the subject of slavery in the states;

2d. Against the propriety of their doing so in the District of Columbia; and

3dly. The statement of my full concurrence in the sentiments expressed by the citizens of Albany, in public meeting, the most important of which are as follows, viz: "That the constitution of the United States carries with it an adjustment of all questions involved in the deliberations which led to its adoption; and that the compromise of interests in which it was founded, binding in honor and good faith, independently of the force of agreement, on all who live under its protection and participate in the benefits of which it is the source"—"That the relation of master and slave is a matter exclusively belonging to the people of each state within its own boundary, and that any attempt by the government or people of any other state, or by the general government, to interfere with or disturb it, would violate the spirit of that compromise which lies at the basis of the federal compact"—"That we can only hope to maintain the union of the states by abstaining from all interference with the laws, domestic policy and peculiar interests of every other state"—"That all such interference, which tends to alienate one portion of our countrymen from the rest, deserves to be frowned upon with indignation by all who cherish the principles of our revolutionary fathers, and who desire to preserve the constitution by the exercise of that spirit of amity which animated its framers"—"That they deprecated the conduct of those who are attempting to coerce their brethren in other states into the abolition of slavery, by appeals to the fears of the master and to the passions of the slave; and that they could not but consider them as disturbers of the public peace, and would by all constitutional means, exert their influence to arrest the progress of such measures"—"That whilst they would maintain inviolate the liberty of speech and the freedom of the press, they considered discussions, which, from their nature, tend to inflame the public mind and put in jeopardy the lives and property of their fellow citizens, at war with every rule of moral duty, and every suggestion of humanity, and would be constrained, moreover, to regard those who, with a full knowledge of their pernicious tendency, persist in carrying them on, as disloyal to the union:"—"That the people of the south would do great injustice if they allow themselves to believe, that the few who are interfering with the question of slavery, are acting in accordance with the sentiments of the north upon the subject;" and finally, "that they made these declarations to their southern brethren in the same spirit of amity which bound together their fathers and ours, during a long and eventful struggle for independence; and that they did, in full remembrance of that common association, plight to them their faith to maintain in practice as far as lies in their power, what they had solemnly declared."

These views, thus expressed and sanctioned by myself, appear to me to cover the whole ground, save the abstract question to which you have been pleased to call my attention, and I cheerfully embrace the opportunity you have felt it your duty to afford me, to explain myself fully on that also. As anxious as you can possibly be, to arrest all agitation upon this disturbing subject, I have considered the question you have propounded to me, with a sincere desire to arrive at the conclusion, that the subject, in respect to the District of Columbia, can be safely placed on the same ground on which it stands in regard to the states, viz: the want of constitutional power in congress to interfere in the matter. I owe it, however, to candor, to say to you, that I have not been able to satisfy myself that the grant to congress, in the constitution, of the power of "*exclusive legislation in all cases whatsoever*" over the federal district, does not confer on that body the same authority over the subject that would otherwise have been possessed by the states of Maryland and Virginia; or that congress might not, in virtue thereof, take such steps upon the subject in this District, as those states might themselves take within their own limits, and consistently with their rights of sovereignty.

Thus viewing the matter, I would not, from the lights now before me, feel myself safe in pronouncing that congress does

not possess the power of interfering with or abolishing slavery in the District of Columbia. But, whilst such are my present impressions upon the abstract question of the legal power of congress—impressions which I shall at all times be not only ready, but disposed, to surrender upon conviction of error—I do not hesitate to give it to you as my deliberate and well-considered opinion, that there are objections to the exercise of this power, against the wishes of the slaveholding states, *as imperative in their nature and obligations*, in regulating the conduct of public men, *as the most palpable want of constitutional power would be.*

You have alluded in your letter to the conspicuous situation in which I have been placed before the public; and I take it for granted, that it is to that circumstance, rather than to any other, that I am to ascribe the solicitude felt by yourselves and your fellow citizens in respect to my views on the subject. I recognise, to the fullest extent, the propriety of this desire on your part, and although there is nothing in your letter making the avowal necessary, I prefer that not only you, but all the people of the United States shall now understand, that if the desire of that portion of them which is favorable to my elevation to the chief magistracy, should be gratified, I must go into the presidential chair the inflexible and uncompromising opponent of any attempt on the part of congress to abolish slavery in the District of Columbia, against the wishes of the slaveholding states; and also with the determination *equally decided*, to resist the slightest interference with the subject in the states where it exists. In saying this, I tender neither to them nor to you, any pledges, but declare only settled opinions and conviction of duty. Those who doubt that it will be carried into full and fair effect, are under no obligations to trust me. An opportunity is afforded them to exercise their free choice in the matter, and they may be assured, that there is no one less likely to complain of its exercise than myself.

The peculiar importance of the subject, and a desire (which you will allow me to feel) that my views of it should be correctly understood, make it proper that I should explain the grounds of the opinions above expressed. They are founded, amongst others, on the following considerations, viz:

1st. I believe that if it had been foreseen, at the time of the adoption of the constitution, that the seat of the federal government would be fixed in a slaveholding region, that the subject of slavery would be there agitated to the prejudice of those holding this species of property, the right to do so, would, with the assent of the non-slaveholding states, have been made an exception to the unrestricted legislative power given to congress over the District to be ceded.

2dly. I cannot but regard the agitation of this subject in the District of Columbia, as a surprise upon the people of Maryland and Virginia, being very confident that if the state of things which now exists, had been at all apprehended by those states, the cession of the District would not have been made except upon the express condition that congress should exercise no such power; and that with such a condition the cession would, in the then state of public opinion, have been readily accepted.

3dly. I do therefore believe, that the abolition of slavery in the District of Columbia, against the wishes of the slaveholding states (assuming that congress has the power to effect it) would violate the spirit of that compromise of interests which lies at the basis of our social compact; and I am thoroughly convinced, that it could not be so done without imminent peril, if not certain destruction, to the union of the states. Viewing the matter in this light, it is my clear and settled opinion, that the federal government ought to abstain from doing so, and that it is the sacred duty of those whom the people of the United States entrust with the control of its action, so to use the constitutional power with which they are invested, as to prevent it.

I think it due to the occasion, and only a simple act of justice to my fellow citizens of the north, of all political parties; to add the expression of my belief, that the opinions above expressed, accord in substance, with those entertained by a larger majority of the people of the non-slaveholding states than has ever before existed in those states on a public question of equal magnitude. It is also due to them to say, that their sentiments on this subject spring out of considerations of too high a character, and look to consequences of too solemn an import, to be shaken by slight causes. With only a generous confidence on the part of the south in their brethern of the north, and a firm determination on the part of each, to visit with their severest displeasure any attempt to connect the subject with party politics, those sentiments cannot be overthrown. All future attempts on the part of the abolitionists to do so, will then only serve to accumulate and concentrate public odium on themselves. That there are persons at the north who are far from concurring in the prevailing sentiment I have described, is certainly true; but their numbers, when compared with the rest of the community, are very inconsiderable; and if the condition of things be not greatly aggravated by imprudence, many of them I have no doubt, will ultimately adopt sounder views of the subject; and the efforts of those who may persist in the work of agitation, may be overcome by reason, or rendered inoperative by constitutional remedies.

To one class of those who have hitherto petitioned congress for the abolition of slavery in the District of Columbia, I cannot forbear to refer: I allude to the society of Friends, or the people usually denominated Quakers. The uniformity of their course upon this subject, the temperate manner in which it has been manifested, and the marked excellence of their conduct and character, appear to have conciliated respect for their motives, even from those who differ with them in opinion. As far as my observation has enabled me to judge, it is due to them to say, that as there has been no indication of any change of opinion upon their part during the present excitement, so has there been no evidence of a disposition to lend themselves to the undue agitation of the public mind attempted by others. There is certainly no class of people in this country, who have a deeper interest in the preservation of the union and of the happy system of government which it upholds, than they; and it has now become very apparent to all reflecting and observing minds, that the question of slavery in the District of Columbia cannot be pressed to the result they desire, with safety to those paramount objects. Do not these considerations justify the hope that from them, at least, we may reasonably expect, for the future, a mode of dealing with the subject, which, whilst it does no injustice to their principles, shall repress instead of increasing agitation, and not endanger the great interests to which I have referred? To doubt it, would be to distrust the influence which industry, morality, intelligence and republican habits—qualities which all admit them to possess in a high degree—are calculated in great emergencies to exert upon the conduct of their possessors. And for the like reason, it may certainly be expected, that well disposed persons of other religious denominations, who, without a full consideration of the difficulties which surround this subject, and of the dangerous consequences to which the efforts of the abolitionists so evidently tend, have lent to those efforts the influence of their names and character, will be careful hereafter to avoid the repetition of an error so unfortunate and mischievous.

In every view of the subject, therefore, it does appear to me, that, although there certainly is in the present condition of the country, in relation to it, sufficient to excite the most serious attention, there is nothing in the state of public opinion in the United States, to justify that panic in the public mind which invariably disqualifies those who partake of it, from dealing wisely or successfully with the circumstances by which it is produced. From abroad we have, I think, some right to expect less interference than heretofore. We shall, I am confident, for some time at least, have no more foreign agents to enlighten us on the subject. Recent results here, and the discussions with which they have been attended, cannot fail to attract the attention of the reading and reflecting portion of the foreign public. By these means they will be made to understand our real condition in this respect, and they will know that the unchangeable law of that condition is, that the slave question must be left to the control of the slaveholding states themselves, without molestation or interference from any quarter; that foreign interference of every description, can only be injurious to the slave, without benefit to any interest, and will not be endured by any section of our country; and that any interference, coming from even the non-slaveholding portions of our territory, is calculated to endanger the perpetuity, and if sanctioned by the general government, would eventually occasion the dissolution of our happy union. Seeing the subject, in this, its true aspect, and conscious as they must be, that the downfall of this republic would be the severest blow that the cause of liberty and self-government could receive, and from which its recovery would be hopeless, the wise and the good among them—those who are really guided by the principles of justice and humanity—will pause and acknowledge, that they have misapprehended the true bearings of this question. Instead of accusing our countrymen who hold property in slaves, with disregarding the general principles of liberty and the dictates of a pure religion, they will recognise, in this class of our citizens, as sincere friends to the happiness of mankind as any others, and will become sensible that this species of property, the result of causes over which they had no control, is an inheritance, which *they* only know how to dispose of. Instead of charging the people of the non-slaveholding states, as has often been done, with hypocrisy in professing an ardent love of freedom, they will find that the free citizens of the north are only acting upon the principles of fidelity to their most solemn engagements; that if they were to attempt the accomplishment of what is desired of them by those who regard slavery as inconsistent with the equal rights on which our institutions are founded, they will involve themselves in the odium, either of seeking to evade a compact which was the means and the pledge of our national existence, or of availing themselves of their present power and unexampled prosperity, to dissolve a connection with their southern brethren, formed at a period of mutual adversity, for a cause which was then not only known to exist, but the continuance of which was expressly recognised in the bond of their union.

I have thus, gentleman, been compelled to extend my remarks considerably further than I intended, when I commenced to answer your inquiry. As, however, the subject was delicate and important, I feel that I have not trespassed more upon your time in its examination than was proper to enable you to comprehend the views I entertain of it, or than was respectful to the considerations which justified your call for those views. And I feel assured, whatever may be the difference of opinion, if any, which exists between myself and any other portions of my fellow citizens, that the issue of this matter as

of all preceding questions which have agitated the public mind, and have been thought to be pregnant with danger, will, in their hands, be such as to strengthen the bonds of their union, and to increase those fraternal and patriotic affections which our past national history has so often and so honorably illustrated. I am, very respectfully, your obedient servant,

M. VAN BUREN.

Messrs. *Junius Amis, Isaac Hall, John Wall, C. Yellowby, Samuel B. Spirrill and James W. Puizinn—Jackson, N. C.*

LETTER FROM GEN. HARRISON.

North Bend, 9th Feb. 1836.

GENTLEMEN: Your letter, covering the proceedings of the convention by which I was nominated their candidate for the presidency of the United States was received in the due course of the mail, and the resolutions they contained, are such as to create in my bosom feelings of gratitude towards the people of Maryland, which will be cherished to the last moment of my existence. These feelings were greatly increased from the reflection that, with a very few exceptions, I was personally unknown to the members of the convention, and, exclusively of some of her statesmen, with whom I have served in the national councils, but to a few others of her citizens. With thousands of those of some other states I have been associated in scenes, where the difficulties and dangers, to which we were in common exposed, have created a feeling of attachment and partiality, which is often found to warp the judgments of good men and induce them to bestow their confidence and suffrages on those possessing inferior qualifications. Having no advantages of this kind to boast of in relation to my fellow citizens of Maryland, I am gratified with the reflection, considering the pre-eminent talents of several of those from whom their selection might have been made, that I am indebted for the distinction with which they have honored me, to the greater length of my public services, and the belief that in the discharge of the various and important trusts which have been committed to me, the confidence of my country has never been betrayed nor its interests sacrificed. This is precisely the ground which I wish to occupy. Conscious of many deficiencies and imperfections, I have endeavored to supply the place of the qualities I wanted by unwearied zeal and undeviating fidelity.

How delightful is the reflection that by an assembly so enlightened and free as that of the late Maryland convention, the character in which I so ardently desire to stand before my countrymen, should be accorded to me. In relation to the freedom with which the choice was made, gentlemen, I venture to assure you, that should your efforts to place me in the executive chair of this great nation, prove successful, that the influence and patronage of that office shall never be used to control or impair it, in any of your future deliberations. And that if in the year 1839 your own great emporium or any other place, should be the theatre for the exhibition of another national convention, it shall be, as far as my efforts can effect it, what that of 1835 purported to be, "an assembly fresh from the people, the true representation of their unbiassed wishes, the faithful echo of their opinions."

This declaration is made with a perfect consciousness of the little confidence which is given to pledges of any kind, made by persons situated as I am. I know that they have been made and violated in every age and in every country, where men have depended for their advancement to the highest offices on the good opinion of their countrymen. But almost every instance the deceiver has been found possessed of grasping and insatiable ambition (of which the germs might have been discovered in his previous conduct) and generally united with commanding genius and splendid talents. There is, I trust, nothing in my previous conduct to show that I possess the former character, and utterly disclaiming the latter, my sole reliance, for preserving the good opinion of my countrymen is the preservation of that character for fidelity to my engagements, which the convention, which you, gentlemen, represent, as well as others of my fellow-citizens have been pleased to allow to me.

With high consideration, I am, gentlemen, your humble servant,

WM. H. HARRISON.

To Wm. Bradly Tyler, president,
Robert W. Bowie,
Henry V. Somerville, } *vice presidents.*
Reuben Tall,
Henry S. Stites,
Joseph H. Nicholson, } *secretaries.*
John Bozman Kerr,

LETTER FROM JUDGE WHITE.

Washington, March 17, 1836.

DEAR SIR: I have this moment received your favor, under date of the 15th inst. In answer to the question put to me, I say, I do not believe congress has the *power* to abolish slavery in the District of Columbia, and if that body did possess the power, I think the exercise of it would be the very *worst of policy.*

Holding these opinions, I would act upon them in any situation in which I could be placed, and for both reasons would, if called on to act, withhold my assent to any bill having in view such an object.

I take the liberty of forwarding to you a pamphlet containing my sentiments on this subject. And am, most respectfully, your obedient servant,

HUGH L. WHITE.

John B. D. Smith, esq. Richmond.

GOVERNOR DUNCAN'S LETTER

Vandalia, December 20, 1835.

GENTLEMEN: You will see by the enclosed resolutions of the legislature, instructing you to vote for expunging the "Resolutions of the United States senate of the 28th of March 1831, declaring that the president of the United States in his late executive proceedings in relation to the public revenue, had assumed upon himself, an authority and power not conferred by the constitution and laws, but in derogation of both," that they have made it my duty to furnish you with a copy of them. While I acknowledged the obligation of every representative in our government to obey the instructions of his constituents, or resign, and by no means desiring that you should do otherwise in this case; yet believing as I do, that the independence of congress, and more especially of the senate, which is made by the constitution a check upon that executive patronage, which has been the lever, or chief power in the hands of all governments to overturn the liberties of the people, and which is now threatening the peace and safety of our own, I should be faithless to my country, and recreant to the people who have placed me among the guardians of their rights, if I were, by silently transmitting or in any other way, to give the slightest sanction to the principles those resolutions contain, or the objects they appear to have been designed, by the agitation of them, ultimately to accomplish: which is to censure and degrade this department of our government. Destroy public confidence in the senate, let the legislature rebuke them for warning the people, that a new, dangerous and unconstitutional power had been asserted by a co-ordinate and powerful branch of the government; let the right be fully established that any power or person, except the immediate constituents of each separate member of congress, shall have authority to call their acts in question; or that a man at the head of our government, at whose command six thousand bayonets will bristle in an instant, surrounded immediately and remotely, by one hundred thousand organized officeholders, and numerous patizan office-seekers, ready to obey his will, shall have authority to protest against, interrupt or question, any of the people's representatives, who are sitting in the presence of this mighty power, unarmed and unprotected, and who should look alone to the approbation of their constituents at the ballot box, for all favor and all rebukes; in a word, let the senate of the United States lose its independence by the loss of public confidence—the corrupting practice of members of the senate asking and receiving favors from the executive in employing its patronage to secure their re-election, by the appointment of their partizans and relatives to office, or placing over it a master, and you must perceive that all power will soon be centered in one man, and that our march to despotism is inevitable.

This contest between the president and the senate, as a party measure, to my mind, is assuming the most alarming aspect; the one possessing all power, the fount of all honor, the dispenser of all favors, holding the absolute power over the will of one hundred thousand dependents, whose patronage makes him the idol of all the ambitious, hungry officeseekers in the land; the other having no benefits to bestow, no mercenary dependents wielding the press or the bludgeon in their defence, and required by the constitution to perform the odious duties of rejecting bad men from office, and resisting executive encroachments—in such a contest, unless the people rally to the defence of the senate, who can doubt that the result will be its total prostration?

When we view the attacks now making by this party upon the supreme court, as well as the senate, and their attempts to bestow such power upon the executive, it is impossible to doubt, whatever may be the design, that their success must end in despotism. That any unprejudiced man, who ever read our constitution, or thought one moment about the character of our government, doubts that it was both the right and duty of the senate to pass the resolution in question, is more than I believe. Silence the warning voice of either branch of the legislature, and especially the senate, which is bound to know the public will as well as the secret action of the government, and who does not see every barrier to arbitrary government laid low? The flimsy pretext for the attack upon the senate, that it is clothed with judicial as well as legislative powers, is a striking evidence of the contempt, that those who urge it have for the safety, as well as intelligence of the people. Does not every one see that no criminal intention was charged upon the president? He had been guilty of an assumption of powers (for a good purpose, if you please), that was unauthorised by law, in violation of the constitution, and against the genius and spirit of all limited governments; and which power, when the present patriotic, but misguided incumbent, shall have shed his mantle upon a successor, if he be an ambitious bad man, might, and if this power is sustained now by the people, will, in my opinion, sooner or later, overthrow the liberties of our country.

Wishing that every man, honored by a seat in the distinguished and responsible body, of which you are a member, may justly appreciate the blessings of our free institutions, I will close this communication, which I assure you, has been prompted alone by the spirit of patriotism. With great respect, your obedient servant,

JOSEPH DUNCAN.

To the hon. *E. K. Kane and J. M. Robinson.*

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 8—VOL. XIV.] BALTIMORE, APRIL 23, 1836. [VOL. L. WHOLE No. 1,283

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

We publish a variety of articles relating to the currency—contained in the proceedings of congress, and otherwise. It is evident that we are approaching a "momentous crisis," as the "*see-saw*" word of the Richmond Enquirer *used* to be. As to ourselves—"we say nothing." The pressure is exceedingly "tight"—though we do not fully believe to the extent stated in some of the papers that we have published; but of this we are satisfied, that the gathering-up of money, in the treasury of the United States, or rather in certain banks, will, and *must* be attended with a great shock to the business and prosperity of our country.

—

It is our intention, pretty soon, to copy the speeches of Mr. *Rives* and Mr. *Leigh*, the opposing senators from Virginia, on the *expunging resolution*. They will, together, as we suppose, present a fair and full view of it.

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A fact is stated in the Louisville Advertiser, which strongly illustrates the growing necessity for making use of the rail roads for the transportation of the mails. The mail for St. Louis and New Orleans, despatched from Louisville a few days ago, weighed more than a ton. The carriage of such a weight, with any thing like the desirable expedition, would be next to impossible, in the winter months, by the ordinary mode of stage transportation. On the other hand it could be whisked along upon a rail road, over the Alleghany, with as little difficulty as a barrel of flour or pork, and at a rate which would set all private competition at defiance.

—

We have a great flood of murders, suicides and other acts of violence, just now running through the newspapers. We are certainly losing character. Executions, in pursuance of law, are more numerous now in the United States ("the freest and most enlightened nation in the world") than, under the "bloody code," of England.

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Died, at an advanced age, in Philadelphia, last week, the well known and respected "father of the Philadelphia bar," *William Rawle*, esq.

—

The Alexandria Gazette says—"If those members of the house of representatives who, during the prayers in the morning, retain their seats, with their hats on, reading newspapers or writing letters, would only look up at the galleries and see how their conduct is observed and commented on by the spectators, they would alter their course. Either abolish the custom of opening the day's business with prayer, or pay the public and religious service at least the show of decent respect."

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The Albany Evening Journal of Tuesday says the steamboat Constitution left that day for N. York with one hundred passengers and six towboats, belonging to the Eckford, Swiftsure and Albany transportation lines, the freight of which amounted to *twenty-four hundred tons*.

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Of 385 cases which have been admitted into the asylum at Worcester, Mass. 96 were supposed to be caused by intemperance, 25 by religious feelings, and 24 by disappointment or apprehension in regard to property.

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A select committee of the house of commons were in session on the subject of the money which Mr. Raphael asserted he had paid Mr. O'Connell to obtain a return for that place to parliament. The examination of Mr. Raphael had began, and thus far nothing more had been elicited than a confirmation of what he stated in his published letters, except one important point, which was that O'Connell, in a letter to Raphael, asks him "will you let me know if you would like to accept of a barronetcy? I do not make this offer without authority."

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The United States frigate United States, is now fitting at New York, and will soon sail for the Mediterranean, under the command of capt. Wilkinson.

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We learn that a robbery was committed on the Merchants' bank of Providence, sometime between Saturday night and Monday morning last, and that the amount then ascertained to be stolen was $150,000.

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It is stated from New York, that bills on England, owing to the "scarcity" of money, are at *five per cent.* advance; that is, *three and an half per cent. below the real par*. The practice of measuring the £ sterling by the old law, which rated it at 4.44, seems to be generally continued in that city, though the present *legal* value is 4.80 and its *real* value somewhat more—say, 4.85 to 4.88. See discussions on this subject in the REGISTER of 1831-32, *passim*.

We do not suppose that there will be any lage sales, at this great loss of 3½ *per cent.* seeing that in 90 days or less, specie may be imported by the drawer of good bills, having *present* funds in England. If true, it only shows the extreme pressure for money that prevails. The "deposite banks" have discounted on the *public* money—it has been scattered to the "four winds of heaven" by speculations, and cannot be gathered together—and these banks *must* and WILL be favored with "time and opportunity" to pay the people that which is owing to them—and the *end* of the pressure is not ascertainable. Hence, they have nearly stopped their "*accommodations*" to new business, and the difficulties go on to increase, so as to bring about the results stated.

We have heard that the United States bank has been required to reduce its circulation between five and six millions, within a few months—and, from the doings in congress, it seems resolved that it shall, *suddenly*, do more. *The bank can—but are the people able to bear it?*

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There are many reports and speculations from *Texas;* but nothing important, as we believe since the particulars that we have published.

LATER RUMORS.

From the New Orleans Bee. The rumor that had been current in this city for a couple of days, was confirmed by the arrival last evening of the schooner Equity from Brazoria. Capt. Martin of that schooner states, that col. Fanning preferring to join the Texian army, then concentrating at Montezuma on the Colorado river, had blown up the fort at Goliad where he was garrisoned, and completely demolished the town. With the 500 troops under his command, he then cut his way through the Mexican army, encamped in the neighborhood; *and effected a junction with the Texians under general Houston.* A decisive action was daily expected between Santa Anna and Houston. The Mexican army amounts to nearly 5,000 men, infantry and cavalry; the Texians to about 2,500, more determined than well equipt.

Santa Anna has prosecuted his intention of exterminating the Texians. Agreeably to his positive and personal orders, none are exempted from slaughter, of any sex or age over ten years. Several women and children have therefore been brought hither in the Equity, as a refuge from destruction. All the Texians capable of bearing arms have volunteered or been summoned to the conflict, but as Houston and his forces are anxious for vengeance as well as victory, he has resolved if possible to bring the war to a speedy issue; and expel the invaders from the country.

Previous to blowing up the fort at Goliad, on the 23d March, the Georgia volunteers, consisting of 150 men under col. Ward, attacked a body of 600 Mexicans at Refugo, 250 of whom are reported to have been killed and the rest routed. It is also stated that on the 29th ult. general Houston attacked the advanced guard of the Mexican army, which was repelled on the main body; and some prisoners were taken, among whom were 2 spies of the enemy.

It is also stated that the brig Privilege, which sailed hence with provisions for the Mexican army, had been captured by the Texian cutters.

It had been rumored that the Mexicans had captured Matagorda; but this is doubted.

The *New Orleans Advertiser* says—Candor obliges us to say that some passengers in the above schooner doubt the fact of Fanning having succeeded in his glorious enterprise; and it is further observed, that the Texian force is deficient by 2,000 of the number above stated. But all are agreed that the feeling was good, high-spirited and sanguine as to the result, except as regards agonizing apprehensions for the wives and children of the soldiers. We still hope, for the cause of humanity, that the above information respecting the cruelty of the Mexicans, may be exaggerated.

Other accounts state that col. Fanning had, by orders of gen. Houston, demolished the fort himself, and effected a safe retreat. These conflicting statements are, however, not calculated to benefit Texas, and should be cautiously put forward by those having the interest of the country at heart.

APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.

Peter V. Daniel, to be judge of the United States for the eastern district of Virginia.

P. K. Lawrence, to be attorney of the United States for the eastern district of Louisiana.

John P. Brown to be drogoman to the United States legation, near the sublime porte.

John K. Mitchell, Thomas Turner, Henry Moor, Charles H. Poor, James F. Schenck and John B. Cutting, to be lieutenants in the navy, from the 22d December, 1835.

Temple M. Washington, to be a lieutenant in the navy, from the 12th January, 1836.

Lewis G. Keith, to be a lieutenant in the navy, from the 17th March, 1836.

The taxables in Pennsylvania, according to an enumeration made last year, amounted to 317,300. The state contained 44 deaf and dumb, 6 dumb but not deaf, and yet thirty slaves.

The Bunker Hill "Aurora" says, on the authority of professor Hitchcock, that several *submarine* forests exist in the waters near Cape Cod and Martha's Vineyard.

Incredible as it may appear, we have now *in* New York more foreigners than are to be found in the whole of the southern states. In the summer of 1830 there were in the state of New York *forty-eight thousand and some odd hundreds* more aliens than were contained in Virginia, North Carolina, S. Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Kentucky, Missouri and the territory of Florida.

[*N. Y. Jour. Com.*

AMERICAN CONVICTS. Of 213 convicts received into the state prison at Sing Sing, during the year ending 30th Sept. last, 70 or about *one-third, are foreigners.* And of these foreigners, at least 68 are from the British dominions. Of the 143 American-born, a large number are colored. Deducting these, the number of foreigners would be nearly equal to that of the Americans.

[*Jour. Com.*

A steamboat plies regularly every fortnight between Athens and Constantinople.

Another revolutionary centennarian gathered to his fathers. Capt. Charles Miel, aged 102, a revolutionary patriot, departed this life in the town of Grove, Alleghany county, on the 11th of March. He was a native of England, served in the old French war, on the plains of Abraham, with Wolfe, and afterwards entered the revolutionary service as lieutenant. He was in the battles of Lexington and Bunker Hill, and was a captain under Montgomery before Quebec—afterwards in the battle of Monmouth, and served to the end of war. He has received his pension from government.

How much wisdom in the following remark of Gibbon: "The English dwell with rapture on the trophies of Edward 3d, and his gallant son, the black prince, on the fields of Crecy and Poitiers; and on the kings of France and Scotland, at the same time prisoners in London. *To a thinking mind, Edward's encouragement of the woollen manufacture is of greater value than all these barren laurels.* [*National Gazette.*

RAIL ROAD FROM NEW YORK TO PHILADELPHIA. *Important.*—It is rumored, and we hope it is true, that the joint companies have determined to make their branch rail road from New Brunswick through Trenton.

[*Trenton paper.*

The above intelligence will be highly gratifying to the people of New Jersey. By the connection of the Trenton and Philadelphia rail road with the New Jersey rail road, a complete line will be formed between New York and Philadelphia, capable of being traversed in five or six hours. Not only the citizens of New Jersey, but the whole travelling public, will rejoice in the consummation of this event.

The fact above stated is more than mere rumor. From information deemed to be authentic, we learn that at the meeting of the stockholders of the Camden and Amboy rail road and Delaware and Raritan canal, on Tuesday last, it was resolved to construct the branch rail road direct from New Brunswick through Trenton. Thus is a chain of rail road destined soon to be constructed from Boston to Washington, and probably before many years have rolled around, from Maine to Florida.

[*Newark Daily.*

We were invited this morning to view three *sheep* at Mr. Stearns' tavern, raised at the Shaker village in Watervliet. They exceed any thing of the sheep kind we have ever seen. We were informed that one of them weighs 265 pounds, and was sold for thirty dollars. The other two weigh each 188 and 195 pounds, and were sold for 22 dollars, making *fifty-two dollars for three sheep!* They were fatted by Dean Guage of the above mentioned village, are to be sent to the New York market.

[*Troy Whig.*

Compliment to Baltimore. At a dinner given to captain Purcell, chief engineer of the Chesapeake and Ohio canal company, at Cumberland, Md. the following toast was given—

By Thos. F. Purcell. The *city of Baltimore*—In the march of improvement she has ever led the van! The first water works in the United States!—the first exchange for mercantile convenience!—the first introduction of gas light!—the first turnpike to pierce the Appalachian chains of mountains!—the first monumental pile reared in honor of the glorious deeds of our illustrious ancestors!—and the first great railway to connect the east with the west—have all resulted from the enterprise and intelligence of the citizens of Baltimore.

Table showing the price of wheat per bushel at different ports, at the close of 1835.

Places.	*Dates.*	*Price.*
Petersburg	Sept. 30	78 cents.
Odessa	Nov. 2	55 "
Malta	Oct. 31	90 "
London	Nov. 6	104 "
Dantzig	" 1	67 "
Stettin	" 15	64 "
Bremen	" 1	66 "
Wismar	" 1	53 "
Hamburg	Oct. 31	55 "
Amsterdam	Nov. 13	82 "
Rotterdam	" 15	89 "
Trieste	" 10	81 "
Venice	" 13	75 "
Civita-vecchia	" 1	76 "
Milan	" 7	95 "
Genoa in bond	" 1	128 "
in market	" 1	81 "
Nice	" 15	99 "
Santander	" 16	130 "
Barcelona	Oct. 29	183 "
Malaga	Nov. 7	190 "
Bilboa	" 15	143 "
Corogne	Oct. 31	129 "
Christiana	" 31	102 "
Richmond	" 1	125 "

[*Com. Herald.*

Notwithstanding the reported "scarcity" of money in New York, the people of that city continue to be much disturbed by "strikes" among the working classes—some of which appear to be going a great deal too far. It is true, that house rent, and other necessary family expenses, are, every where, too high; and have an artificial or factitious value—and there is a great demand for labor in New York, and, generally, elsewhere, in almost all its departments—but the *creative* power in the people is much checked by these "strikes," which add much to the difficulty about money, as affecting almost every pursuit, the *circulation* being lessened. "A nimble sixpence

is better than a slow shilling." And the "operatives" should recollect, also, that they certainly abridge their several businesses, at large.

The New York Commercial Advertiser, speaking of a late "strike" among the tailors, and of a procession of several hundred who paraded the streets with banners, and music, &c. says—"It was truly painful to see such a procession, marching for such a purpose; and, in some instances with profane mottoes upon their banners. One of these mottoes was—"No SURRENDER, BY THE ETERNAL!" Another was, "*Mechanics' Rights*," and others of a kindred character.

And the *Journal of Commerce* referring to the "strike," says—

Some days back the journeymen tailors made out a new tariff of prices to be paid by their employers, and also laid down certain rules relative to the manner in which master tailors should give out work. According to one of these rules every master tailor should keep a slate hung up in his store and enter on it every piece of work which he gave a journeyman to make, and that no journeyman should get work to do except in his turn. For example, if two journeymen successively got each a coat to make, and the one who received the second was more industrious, or a more expeditious workman than the first, and finished his work sooner, he must wait idle until the other man had also finished his work, and was given another job. So that the idle and industrious, or awkward and expert workmen, were put completely on a par by these absurd regulations, to the monstrous injustice of the operative, and serious inconvenience and loss of the employer. The master tailors very properly refused to adopt so ridiculous a rule, or comply with the new scale of prices dictated by the journeymen, and the latter very generally turned out and refused to work. Some of the journeymen tailors were, however, willing to work at the old prices, and among them was a man named William Wright, in the employment of Messrs. Stokes & Co. Broadway. This man could earn twelve dollars a week; and having a large family to support, was unwilling to remain idle, but was obliged to do so from downright fear, as some of the other journeymen tailors called on him and threatened him that if he did not leave his employment, they would *cut off his hands or kill him*. Intimidated by these threats, Wright left his work; and his employers, in whose service he had been for many years, and who had a great respect for him, having discovered that he left them solely from intimidation, determined to prosecute the lawless ruffians who had driven him away, and summoned Wright to the police office yesterday evening, in order to obtain his testimony against them. Such a complete system of terror, however, have the journeymen tailors established in their body, that Wright was afraid to tell the names of any of the aggressors, and though Mr. Wyman said all he could to persuade him to it, promising him full protection against any consequences, and threatened to commit him if he refused to give evidence, Wright still declined mentioning any names, lest his doing so might cause his destruction. Finding that threats or promises were alike unavailing to make him mention the names of the persons who threatened him, Mr. Wyman was obliged to commit him to prison for refusing to give evidence, and thus an honest, industrious, poor man, with a large family, has been obliged first to remain idle, and is afterwards committed to prison for fear of disobeying the dictates of a lawless combination.

A manufacturer in *New Brunswick* (N. J.) thus advertised in the newspapers:

The public in general, and my binders in particular, are hereby informed that I have now at work four and twenty good permanent workmen, and several more engaged to commence the first of May; all of whom are alike *unaffected* with the brutal leprosy of blue Monday habits, and the moral gangrene of "Trades' Union" principles. Hence my binders may rely upon steady employment, and the public upon good work, punctually performed; and they and myself find just cause to felicitate ourselves, upon the prompt and effectual disposal, at once and forever, of the inconvenience, injustice and nuisance of perpetual vexations, regular combinations, and periodical strikes from marauding gangs of transient and tramping Trades' Unionists, who have proved themselves as destitute of every moral principal, as they have become notorious for their wickedness and folly, their presumption, their insolence and audacity.

HORACE H. DAY.

Shoe, cap and hat manufacturer.

New Brunswick, April 6, 1836.

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The Virginia election. Returns from about forty counties have been received. The "Compiler" sums up the returns as amounting to 25 *Van Buren* members of the legislature chosen, and 24 whigs: the Enquirer as 26 "republican" and 22 whigs. The great result is considered by many as doubtful. But it is said that the aggregate majorities of the people in the several counties which have voted, shew a general whig majority of the votes of the state of more than 3,000.

From the Lynchburg Virginian. It is really distressing to all sober and peace-loving minds to witness the military fury of the Richmond Enquirer. It seems to imagine that the exercise of the right of suffrage is a wager of battle, and that our court-greens are miniature Waterloos, resounding with the roar of artillery and the clash of swords. "*To arms! to arms!*" it exclaims in one column, and "*charge bayonet!*" in another, with all the fury of an old Suwarrow, chin-deep in the blood of the soldiers of freedom. This comes of serving a "military chieftain" so long. The Enquirer was formerly as peaceable a journal as is to be found in Virginia, except during the last war, when its tone was naturally somewhat bellicose, in accordance with the spirit of the times. But now, when the French quarrel is adjusted, and peace reigns within all our borders, Florida excepted, the appeals to our martial propensities are rather *mal apropos*.

A Virginia paper, speaking of the vote of Kanawha county, says—*Kanawha*—A Donnally, (W.) 435; G. W. Burster, (V. B.) 274. Mr. Sumner, (W.) was elected last year by only 13 majority.

The aggregate of the returns shows—whigs 29; Van Buren 31. The same counties last year returned 25 whigs and 34 Van Burenites.

The election in most of the counties has been *very close*—several of the large counties will give overwhelming majorities for the whig ticket, and secure the success of their electoral ticket next November.

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New York election. There was no regular opposition made to the re-election of Mr. Lawrence, mayor. It appears that of the board of aldermen, the whigs obtained 9 out of 16—and that of the assistant alderman stands 8 against 8. There is a controversy, however, as to the politics of one of the aldermen—but the Courier says "Mr. *Waterbury* was the candidate of the *whigs* and such Jackson men as are opposed to *Van Buren*." We shall see how it is—bye and bye. If otherwise—both boards are ti-ed

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Cincinnati. The Harrison ticket shews a very large majority for Harrison, at the late election for members of the city council. The whigs have 13 out of the 15 members.

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Mobile. A whig mayor, Mr. George W. Owen, has been chosen in this city. Whole number of votes, 852, of which George W. Owen (whig) 516—T. Sanford (V. B.) 336—majority for G. W. Owen, 180.

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FOREIGN ARTICLES. By the arrival of an Havre packet, at New York, we have London dates, of the 1st ult. and Paris of the 2d. The following are the only articles of interest.

London, March 1. The army estimates have been published this morning; but they differ little from those of last year. It was stated some time ago, that the army was to be reduced 10,000 men, which now turns out to have been "too good to be true." By the estimates for 1836-7, there appears to be, of all ranks, 101,039—being 48 men more than last year. Of this number, 19,720 are for India; leaving 81,319 for the United Kingdom and the colonies for effective service.

Paris, March 2. The following telegraphic despatch from Toulon was received yesterday by the government—it is addressed by marshal Clausel to the minister of war, and is dated Tremecen, Jan. 17.—"Two brigades under the orders of general Peregaux went out yesterday from Tremecen following different routes, in order to come up, by a covering movement, with the troops of Abdel Kader and the Moors of Tremecen, who were encamped in a gorge of the mountains, and two leagues and a half from us, between the sources of the Silsef and the Amighiera. A combat took place between our Arab auxiliaries and the soldiers of the Emir: 50 foot soldiers out of the 200 who followed him, and who with the 12,000 armed Moors of Tremecen formed all his force, had their heads cut off. All the tents of Abdel Kader, 30 mules, and a standard, fell into our power, as well as a part of the population that had fled from the town. Many of the principal Moors, who had followed the Emir, came to make their submission. The promptitude of our allies to advance did not allow our infantry time to take part in the engagement. In this affair we had for auxiliaries 400 horsemen of the desert of Angard, and 400 Douaires of Semelas, who, with the 3d regiment of Chasseurs, amounted to 1,300 horse: we have never had here so great a force of cavalry. The *chef d'escadron*, Yousouf, whom I had fetched from Bona, was at the head of the native horsemen, commanded by El Mezara. Six times, while pursuing Abdel Kader, he succeeded in cutting him off from his men; he was afterwards separated from him only by a distance of forty paces, and, if his horse had not been exhausted by a gallop of three hours, he would certainly have taken him prisoner.

The legion of honor. The entire number of the members of the legion of honor was, on the 1st of October last, 50,195. On

the 1st of January, 1831, it was 42,894, being an increase of 7,209 under Louis Philippe.

[London papers of the 5th March have been since received. But they do not appear to contain any news.]

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Burning of a theatre. *One hundred and twenty-six lives lost.* A dreadful catastrophe occurred at Lahaman's theatre booth, in St. Petersburgh, on Sunday, the 14th of February. A beam took fire from a lamp during the performance, when the building was soon enveloped in flames. The greater party of the audience in the boxes effected their escape without injury, but those in the pit crowded into a narrow passage, which was soon blocked up, when the roof fell, and covered them with fire brands; of above four hundred persons who were in the booth, one hundred and twenty-one males and five females perished, and about ten more were severely injured. The emperor himself assisted at the fire.

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Statistics of New Orleans for 1835. The report of the city treasurer is an instructive document, and an authentic picture of the prosperity of this great emporium, and of the peculiar features which distinguish its Gallo-American population from all other cities in the United States. The balance in the city treasury at the end of 1835 was $157,714. The rent of the beef market was $37,500—the vegetable $19,300—the lease of the oyster stands $14,165—levee duties, and those on steam and flat boats, $76,981—on *cabarets* (small taverns) and billiards $66,391—an increase from last year; taxes on carts $20,811, one third more than the previous year—hawkers and pedlars' licenses $4,811, decreased one half—cost of paving the city $308,409—lighting $27,290—city guard $45,570—charitable appropriations $14,842, &c.—value of real estate of the corporation $1,250,000.

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The Mosier estate in England—*valued at thirty-two millions of dollars.* The New York Sun, speaking of this estate, says, that it has in its possession a letter from Mr. Caleb Mosier, jr. of Providence, R. I. who says that "the rightful heirs to the said property of the Mosier family in England, reside in that city"—being no other than the family of his father, Caleb Mosier, sen. Mr. M. adds:—"We are at all times ready to satisfy any person of our proper right in this property who may call on or write to us, *should such person have any right to know.*" Mr. Mosier refers to the governor and some of the most respectable men in Rhode Island. He has retained attorney general Greene as his counsel.

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Valuable statistics. Mr. *Force's "National Callender,"* for the present year, has been published, at Washington. All the heads of departments have examined it, and give a high testimony in its favor. It is a truly valuable work; and we may say almost indispensible to the use of political men. It maintains more than its old and established reputation.

Williams' (New York) Register for 1836 will be published on the 1st of May. It will abound with statistical tables and statements, rendered exceedingly important from the various facts ascertained by the taking of the census of 1835, giving most of the particulars that belong to the "empire state." The industry and fidelity shewn in this compilation, as well as in the "National Callender," are exceedingly interesting to those who desire an intimate acquaintance with the concerns of our country. We much wish that such a work was published in every state! Statistics are of great importance to a discreet and sound legislation.

A list of the subscribers in the *city* will be inserted in Williams' Register, alphabetically arranged, according to their professions and trades, forming an additional inducement to all business men to subscribe to this useful manual.

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Canada. The following article, published in the Montreal Vindicator, the editor of which is a member of the parliament of Lower Canada, clearly indicates that the political affairs of the province are likely to be seriously disturbed before the dispute between the two great parties is finally settled.

"While, however, I deem the party thus insignificant, I must impress upon the people of Canada that they will become powerful, if the people become apathetic. It is the duty of the Canadians to act at once upon the threats of the 'constitutionalists.' Their foes tell them that they are preparing for action: the association reports on the necessity of organization; and I therefore say that it is incumbent on the people to be prepared to defend their rights to the utmost. It should be explained at the door of every church in the province, that the bureaucratic party have threatened to resort to force; that, consequently, every man of mature age should possess himself of a good gun, and should familiarise himself with the use of it. This should be impressed upon them as a great duty, and not as the mere idle soldier-play of a militia muster. Having convinced every Canadian that it his duty to arm effectually, it should be further explained, and in fact arranged, that every parish should furnish a certain quota of well armed men, who in case of emergency, might rally round the executive or the popular branch of the legislature, and protect both or either from the attacks which are threatened.

"Means of communication should be agreed upon. At present I can think of no better than a number of fires lighted at posts agreed upon, at about 5 miles (or less) distance from each other. A few hours would spread the desired intelligence through the country, and a large force might be brought to bear upon a given point in a very short time. Take as an example, Montreal. Suppose the tories were to turn out, as they threaten, you might bring in from the parish of St. Laurent alone, a sufficient number of brave and hardy men to destroy every belligerent tory in the city, and to make poor Mr. Adam Thom die of fear.

"You may however give to the tory party all the benefit they can possibly derive from the king's troops. Remember that there are only 2,900 of all sorts in Canada, and these 2,900 are scattered over a vast extent of country. Montreal has less than one regiment and a few artillery. With vigor they might be cast into the St. Lawrence with ease.

"Other means will suggest themselves to you; my only object is in urging you to be prepared in case my estimate of the vain glorious tories should turn out false, and they should really determine on a fight."

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Philadelphia, April 11. The will of our late esteemed fellow citizen, Dr. *Jonas Preston*, after disposing of portions of his estate to members of his family, and giving considerable sums to many existing institutions for public good, provides that the remainder of his estate, thought to be about *two hundred thousand dollars*, shall go for the endowment of a *lying-in hospital for married women*, an institution much desired by many philanthropists, but hitherto unprovided for in this city. A society has for some time existed in Philadelphia, for aid to families under the above circumstances, but no extensive *means* were obtained, nor any hospital procured.

[*U. S. Gazette.*

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Shipping at New York. The Mercantile Advertiser of that city, gives the following enumeration made the beginning of the last week—

Vessels on the north side of the city, from the battery to 20th street—ships 22, brigs 17, schooners 89, sloops 132, steamboats 40, towboats 20.

Vessels on the eastern side of the city from the dry dock to the battery—ships 131, brigs 174, schooners 251, sloops 310, steamboats, 28, towboats 27.

Besides the above, there were from 16 to 18 vessels, large and small, on the stocks building.

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Pensacola harbor. The following is an extract from a letter received from an officer in the service of the United States, now at Pensacola, dated March 28th, 1836:

"The *Constellation* frigate entered this harbor without difficulty, having 23 feet 6 inches of water at low tide. This would give 26 feet at high tide on the bar, and corresponds with the report of *Slidell.*"

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The friends of Indiana. The Quaker population of Indiana are a frugal industrious people; they are mostly farmers and mind nobody's business but their own. Look at their farms, their orchards, their gardens, their cattle and horses, and you will see what they are about; they are among the best practical farmers in the state; there is a neatness about their premises, which proves them to have been well instructed in the business of agriculture, and to understand the most profitable mode of cultivating the soil. Though generally well informed, they make no parade of their knowledge; they are never found intriguing for office; they meddle little with politics, and yet no one sect among us are more firmly established in their opinions; they seek for correct information, are plain and economizing in all their motions; they despise extravagance in every thing; their barns are usually well filled and their houses abound in plenty; they drive fat horses, live honestly, and are, finally, an honor to any state or country they inhabit.

[*New Castle Banner.*

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The royal library at Paris. From an inspection recently made at the royal library in Paris, it appears that it now contains 800,000 printed volumes, 100,000 manuscripts, and

1,000,000 historical documents. Taking the average, 15,000 volumes are annually added, exclusive of pamphlets.

Comparison of speed. A French scientific journal states that the ordinary rate is, per second:

Of a man walking	4 feet.
Of a good horse in harness	12
Of a rein-deer in a sledge, on the ice	26
Of an English race horse	43
Of a hare	88
Of a good sailing ship	19
Of the wind	82
Of sound	1,038
Of a twenty-four pound cannon ball	1,300
Of the air, which, so divided, returns into space	1,300

BALTIMORE INSPECTIONS. *April* 16, 1836. The following is the amount of inspections in the city of Baltimore, for the quarter ending 31st ult. (exclusive of returns made to the state).

118,221	barrels wheat flour.	
4,607	half do. do.	
1,845	bbls. rye do.	
490	hhds. corn meal.	
2,150	bbls. do.	
322	do. pork	Baltimore packed.
1	half do. do.	Baltimore packed.
135	bbls. do.	foreign do.
333	do. beef	Baltimore do.
67	half do. do.	Baltimore do.
925	kegs butter.	
5,033	do. lard.	

JESSE HUNT, *register.*

There has been an extraordinary rise of the waters of the Delaware, Susquehannah, &c. whereby much damage was sustained. The Ohio had attained 36 feet above low water mark.

The *National Intelligencer*, of Saturday, says—

The house has not yet acted upon the senate's proposition to adjourn on the 23d of May. Any thinking reader will be able to determine what probability there is of an adjournment at that day, when he is informed that, besides the business yet before committees, there are no fewer than *seven hundred bills* depending between the two houses of congress, some of them of momentous importance and great urgency.

ILLINOIS. The following is an abstract of the total population of the state of Illinois, their classes, manufactories, &c. made in pursuance of a joint resolution of the general assembly of that state passed at the session of 1835-6.

	White males.	*White females.*
Of 10 years and under	51,961	49,262
Over 10 and not exceeding 20	31,269	29,075
Over 20 do. do. 30	26,906	22,179
Over 30 do. do. 40	16,129	12,882
Over 40 do. do. 50	8,360	7,498
Over 50 do. do. 60	4,449	3,324
Over 60 do. do. 70	1,895	1,415
Over 70 do. do. 80	596	435
Over 80 do. do. 90	126	101
Over 90 years	16	17
	141,667	125,558

Free male persons of color	1,145
Do. female do.	1,099
Indentured and registered servants and children	304
French negroes and mulattoes held in bondage	184
	2,749

Grand total	269,974	Machines	87
Militia	44,141	Mills	916
Manufactories	339	Distilleries	142

By the table it will be perceived, that there are, in this state, upwards of 100,000 souls under the age of 10 years, and but 33 over the age of 90. The instances of extreme longevity are rare, and may be accounted for from the fact of the recent settlement of the country, and affords no argument against the salubrity of our climate. [*Mt. Carmel Sentinel.*

New Jersey marl-beds—better than gold mines. Professor Rogers, in his late report on the geology of New Jersey, ascribes the usefulness of the marl or green mineral, as a manure, to its POTASH, which is always present and essential to its composition. The efficacy of the article lies mainly in the green granules, and not, as many imagine, in the shells and other foreign substances discovered occasionally in the beds. He moreover says that the more essential and permanent properties of this mineral are in no way connected with the gypsum, or with the carbonate of lime, which so frequently forms a coating upon the green grains.

Between Long Branch and Deal, along our coast, the marl stratum has been penetrated thirty feet. The upper two feet consists of a green clay, seemingly derived from the disintegration of the green grains, intermixed with a large proportion of yellowish white clay. The main marl bed having a thickness of about 26 feet, contains several subordinate layers, but all contain a large share of the green granules. Beneath the whole is a grey yellowish clay, in which the grains abound, but they are remarkably large, and are associated with numerous casts of shells. A similar layer is seen in Jacob Curlis' pits, where it contains beautiful casts of the *nautilus* and several shells, and also shark's teeth. [*Newark Daily Adv.*

A New York paper says—The sale of the stock of old wines, which had been accumulating at the City hotel for many years, was well attended, and went off briskly. Some of the choicest lots were sold as high as fifty-two and three dollars per dozen. About thirty-four thousand dollars' worth were sold, and there is to be another sale, as we are informed, of very excellent wines in reserve.

THE DUTY ON WINES. By the bill reported by the committee on commerce, and which has passed the senate by a unanimous vote, the duty on wines, after the 30th of June next, will be substantially as follows:

Red wines of France, in casks	1 cent per gallon.
White do do	2 "
French wines, in bottles	1 cent per bottle.
Wines from Germany, Spain and the Mediterranean, unless otherwise specially enumerated	½ cent per bottle.
Red wines of Spain in casks	2 cents per gal.
Wines of all countries, in bottles, unless especially enumerated	3 cents a bottle.
Sherry and Madeira wines	10 cents a gallon.

The above duties will be gradually still further reduced at the rate of 10 per cent. a year, under the compromise act.

MALVERSATION OF A NEW YORK SENATOR. In the New York senate, on Tuesday last week, a letter was read by the chairman of a committee appointed to investigate the alleged conduct of certain senators in abstracting the funds of the Commercial bank at Albany, the cashier of which, it will be remembered, some months ago absconded. The letter was from an individual named Davis Benedict, who stated that the hon. I. W. Bishop, senator from the 4th district, had, in the spring of 1835, a debt against a gentleman who was an applicant for the appointment of auctioneer, and who had been nominated by the governor; that the hon. I. W. Bishop told the applicant, or his friends, that he should not have the office, or that he would oppose his appointment, unless he paid him, the hon. I. W. Bishop, the *four hundred dollars* he owed him. Not having the money with him, he applied to a friend, who lent him the money to pay the hon. I. W. Bishop, and then he, the hon. I. W. Bishop, withdrew his opposition to the appointment, and it was confirmed. The letter also stated that the *debt was contracted at the gambling table*, and the circumstances were known to Mr. Livingston, senator from the 1st district.

Mr. Livingston, in his place, confirmed the allegations contained in the letter, and Mr. Bishop, in his place, admitted them to be substantially true.

The letter was then referred to the committee, of which Mr. Young was chairman, with all necessary forms in relation to it.

POLITICS AND BUSINESS. A Mr. *Joseph W. Walker*, of Nashville, publishes the following card, in reply to a notice published in one of the papers of that city, requesting him to become a candidate for a high military office:

"*Mr. Editor:* I was as much surprised as flattered at seeing in the Union of this morning a notice requesting me to become a candidate for colonel commandant of the Nashville regiment. In conjunction with Mr. A. B. Robertson, we have purchased the very extensive and general assortment of shoes, boots and hats of Messrs. H. T. Yeatman & Co. and wish the *undivided* support of all my friends in that line of business. We will give great bargains, for cash, or to punctual men, on the most liberal terms. I decline running for the office.

"JOS. W. WALKER.

"P. S.—I would prefer the office of *major general* for this division, as he has to turn out only once a year.

BANKS, CURRENCY, COIN, &c.

"There has been coined already upward of six millions of dollars of the new gold coins. The whole of the Neapolitan and French indemnification money has been ordered home in gold. This will give five millions more to be coined and circulated this year. Besides adding this sum to the gold circulation of the country, it is much the most beneficial mode for the claimants, of withdrawing the money from abroad."

[*Washington Globe.*

The *N. Y. Commercial Advertiser* remarks on the preceding—

And yet, notwithstanding all the boastings of the executive organ on the subject of the gold currency, what are the facts? Last week a government agent came to this city to obtain from the deposite banks, gold to take to Florida to pay the troops. He could not get it. Ten thousand dollars in gold was all he could obtain. The bills of the deposite banks he well knew would not be received in the far south; and as the U. States bank, as such, has been killed, he could not get exchange. The consequence was, that he had to ship one hundred and fifty thousand dollars in silver by the steamboat for Charleston, to be transported thence to the places where wanted, as best it can.

[The fact is, we suppose, that a large part of the gold that has been coined, is locked up from circulation, in the dark vaults of the banks that are independent of the government, or in the private stores of the women of our country, or kept in reserve for pocket pieces, or for *exhibition*, as the case may be.]

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"Aha! it's a'most 'lection time," said a farmer the other day, as he took pay for his load of wheat. "How do you know?" inquired a by-stander. "'Cause here's a *yellow boy*—the first one I've seen since last governor's 'lection."

[*Rochester Democrat.*

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In spite of the Globe's demonstrations of the impossibility of the fact we mentioned the other day, that Ohio bank notes are at three per cent. discount in Philadelphia, we repeat the statement, and ask the official's brethren here to disprove it, if they can, for the comfort of their friend. [*Nat. Gazette.*

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THE CURRENCY. *From the Globe.* This is a subject which concerns the public so much, that every individual, be he of what political party he may, must wish to have correct information of what is done, or intended to be done, or attempted in congress towards redeeming the promises which the friends of the administration have made in favor of gold, and against a small paper currency. Acting under this impression, we collect into one article all that our congressional proceedings afford, and will note from time to time the progress of such measures as are yet in embryo.

1. The amendment of Mr. Benton to the pension bill. This has been agreed to by the house of representatives, and may be considered as a law. Its provisions are threefold: 1. That no bank note shall be offered by the federal government or the post office department, of less denomination than ten dollars, from and after the passing of the act; 2. That no note shall be so offered after the 3d day of March next, of less denomination than twenty dollars; 3. That no note of the unprohibited denomination shall be so offered, unless, it is payable and paid on demand in gold and silver at the place where issued, and equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without loss or delay to him. This amendment is a general and permanent law, and passed the two houses with great unanimity; the gentlemen of the opposition voting for it with no other objection, than that of showing a preference for it as it orginally stood, namely, the prohibition for offering notes under twenty dollars, to take effect at once instead of being divided into two stages.

2. The report and bill of Mr. Gillet, of N. York, chairman of the select committee of the house of representatives on the gold coinage. This report contains a great many valuable facts and suggestions both on our coinage and paper currency. It states that on the first of January, 1835, there were seven hundred and four banks, including branches, in the United States, with an aggregate chartered capital of $231,000,000, and well supposes that the banks chartered since will swell this capital to 300 millions. These banks, as near as can be ascertained, have the privilege of issuing 750,000,000 of dollars in paper. It states that these banks have enormously increased their paper issues within two years past—*five* of them have added above fifteen millions to their circulation. The report then enforces the necessity of diminishing the paper circulation, especially small notes, and increasing the gold circulation, and recommends the coinage of one, two, three and four dollar pieces.

3. Mr. Benton's bill for better supplying the mint with bullion and metals for coining. The main object is to obtain adequate supplies of gold for the gold coinage. The means proposed are, 1. To make the public revenue subservient to that object; 2. To induce individuals and banks to send in better supplies, by repealing the tax of one-half per cent. on the coinage. With respect to the revenues, the plans is only giving effect to a law of 1793, which, though still in force, has become inoperative, by change of circumstances. That act directed all the foreign coins, except Spanish milled dollars, which were received in payment of revenues, to be carried to the mint, and recoined anew before they were put into circulation; and as nothing but gold and silver was then receivable, this law was well calculated to supply the mint abundantly; but the calculation soon failed: the bank of the United States was chartered, and its notes made receivable; and the bank was not required to furnish bullion to the mint. The consequence has been, that the mint, in forty years, has coined but 17,956,335 dollars in gold, and $43,133,082 in silver, of which the two last years have been far the most abundant, producing 6,140,445 dollars in gold, and $6,858,605 in silver; the aggregate for the two years being $12,998,410, say thirteen millions. The whole coinage for forty years is shown in Mr. Gillett's excellent report, from which these details are taken, to be $61,816,650, of which thirteen millions is more than the one-fifth part.

4. Mr. Benton's propositions for requiring the deposite banks to come into the policy of suppressing the small note currency, and promoting the circulation of gold.

The following are his propositions, as heretofore printed under the congressional head:

"Mr. Benton submitted the following amendment to the bill to regulate the deposites of the public moneys, and moved that it be printed for the information of the senate; which motion was agreed to:

"Sec. — *And be it further enacted*, That no bank shall hereafter be employed or continued as a depository of the moneys of the United States or of the post office, which shall not, by an authentic act, filed with the secretary of the treasury before the next stated meeting of congress, agree to the following terms and conditions:

"*First.* To proceed in good faith, and as speedily as possible, to make its specie capital consist of gold *and* silver, and as nearly as may be of equal proportions of each.

"*Second.* To pay the demands of the United States and of the post office department in gold *and* silver; the proportion of gold to be as large as the bank, in good faith, can pay, until the 3d day of March, in the year 1838, from and after which time the proportion to be paid shall be one-half in either coin, at the option of the demander; the other half at the option of the bank.

"*Third.* To pay all the notes or paper currency issued or put in circulation by it, in gold and silver; the option of the demander, from and after the third day of March, 1837, being for one-half of either, and of the bank for the other half.

"*Fourth.* To discontinue the use and circulation of all paper currency of less denomination than twenty dollars, as follows, less than five dollars, immediately; less than ten dollars, from and after the third day of March, 1837; less than twenty dollars, from and after the third day of March, in the year 1838."

5. Mr. Benton's bill for re-establishing the currency of the constitution for the federal government. Notice for the introduction of this bill was given on Thursday, and from what could be obtained of its provisions it seemed that the author proposed to take the twenty dollar limit, which has become a law, as his starting point, and to cut off different denominations of bank notes, gradually and periodically, until the act of 1789 can be re-established and nothing but gold and silver be receivable or payable on account of the United States or the post office.

6. The select committee of the house of representatives on the re-charter of the District banks, of which Mr. Thomas, of Maryland, is chairman. This committee is known to be highly favorable to a metallic currency, and it is believed that they will report provisions to encourage gold and discourage small paper.

This committee and its laborers may then be looked upon as one of the most important currency operations of the session; for although nominally charged with the banking of a district, yet that District is the seat of government, and the banks chartered for it may become the standard for all deposite banks, and the model for all state banks; and thus a great reform be indirectly effected upon the whole banking system of the union.

In conclusion, we have to congratulate the country upon the effect already produced upon the public mind on the subject of currency, and also on the currency itself. The public mind has never, since the paper times of the revolution, been as wide awake and as justly jealous of the evils of the paper system, as at present; the hard money currency has never before been as abundant. Now, for the first time in thirty years, congress is paid in gold. It has been so paid for two sessions.

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The desperate attempts of the Washington Globe, to excite the other states of the union against Pennsylvania, on account of the passage in her legislature of the United States bank bill, are strongly rebuked in many of the most devoted administration journals. The Mobile Register observes—"So far as this is a Pennsylvania measure of finance, it is *not for others than Pennsylvanians* to remonstrate against it. There is no right out of their borders to interfere with their privilege to act as—they please." [*Philadelphia Gaz.*

New York, April 15. We yesterday stated that money was at present bringing an interest at the rate of from 30 to 40 per cent. per annum. This was *upon the notes of men of business*, widely known in the community, and whose paper was just as good as that of any bank in Wall street. In other cases the rate of discount is far greater. We have been informed by one of the brokers of this city that the notes of good men, but who were not known as men of business, were selling *at the rate of one-half per cent. per day*, or fifteen per cent. per month. One thousand dollars loaned out at this rate, with the interest paid every month and added to the principal, would in one year amount to $5,300. What an enormous interest.

[*Evening Post.*

United States branch bank at Erie, Pennsylvania. Among the acts recently passed by the legislature is one authorising the establishment of a branch of the bank of the United States at Erie. It was approved and signed by the governor the last night of the session. The great and growing trade of the lakes will make this branch a most important one. The branch recently sold out at Buffalo was valuable, but will be far exceeded in usefulness to the commercial community by the one now authorised.

The *Baltimore Chronicle* says: We learn from a source of undisputable accuracy, that drafts to a very large amount, drawn by one of the pet banks in the west, upon the Girard bank of Philadelphia, were sold in this city, a few days ago, at a discount of the cent. How much better than the drafts of the branches of the monster, which are at par!

Land office money, in Ohio. Pursuant to instructions received from the Clinton bank of Columbus, dated April 6, 1836,

there will not be any money other than that annexed below received at this office in payment for public lands after the 20th of this month.

Gold and silver.

Ohio. Paper of the deposite banks: viz: Clinton bank of Columbus; Commercial bank of Cincinnati; Franklin bank of Cincinnati.

New York. Paper of the banks in New York city; Albany and Buffalo.

New Jersey. Paper of all the banks.

Delaware. Paper of all the banks.

Pennsylvania. Paper of the banks in Philadelphia; York bank; Lancaster; Harrisburgh; Middletown; Columbia Bridge; Chester county; Chambersburgh; Carlisle; Pittsburgh; Merchants' and Mechanics' bank, Pittsburgh.

Maryland. Paper of the banks at Baltimore; Farmers' bank of Maryland and branches; Hagerstown bank; Frederick county bank; Farmers' and Mechanics' bank, Frederick county; Washington county bank.

District of Columbia. Paper of the banks.

Virginia. Paper of the bank of Virginia and branches; Farmers' bank of Virginia and branches; bank of the Valley of Virginia and branches; Merchants' and Mechanics' bank of Wheeling.

Signed JOHN HALL, *receiver.*

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From the National Intelligencer of Tuesday last:

The secretary of the treasury sent to the senate yesterday his answer to the call made by the resolution of Mr. *Calhoun* last week, for a statement of the amount of money in the treasury on the 1st of the present month, where deposited, and the amount of liabilities of the several banks of deposite, respectively, with their means of meeting the same; and also the receipts of the treasury for the quarter ending the 31st of last month.

We shall endeavor to insert the report at large as soon as it is printed. At present we are enabled, from a hasty examination of it, to give only the two principal facts disclosed by it—namely, the amount of the revenue for the last quarter, and the total amount of unappropriated money now in the treasury.

The secretary states that the receipts into the treasury during the quarter ending the 31st day of the last month, were—

From customs,	$5,006,050
From the public lands	5,439,650
Miscellaneous	280,000
Total for the quarter	$10,725,700

And that the amount of public money in the treasury (that is, in the deposite banks), on the 31st day of the last month, was $31,895,155.

Thus, it appears that the revenue of the government for the first quarter of the year was near *eleven millions* of dollars, and the amount of the public money now lying in the pet banks is *thirty-two millions* of dollars—and this enormous, this unheard-of surplus daily swelling by fresh payments into the treasury.

The disposition of this immense sum presents a question of the deepest concern to the people and of the deepest responsibility on those to whom the dispostion of it belongs: but the *custody* of so vast an amount of public treasury involves a question of still greater import.

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We are informed that the corporate authorities of the city of Washington have recently burned $43,979 of due bills, and passed a law prohibiting a further issue, and to break up the plates for printing them.

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The New York Star says that on Saturday last five hundred dollars were given for the loan of thirty thousand dollars for one day!

From the National Intelligencer of Wednesday last. It is remarkable that while money is so scarce as in New York to command, in some cases, a premium of ten per cent. a month from the safest borrowers, the prices of labor and subsistence are unusually high. This is a very curious fact, and is without precedent, we believe, in the history of this country. It can only be accounted for by the circumstance equally unprecedented, of the government having *thirty* odd millions of dollars locked up in the deposite banks, and a large proportion of that amount of the currency consequently withheld from circulation. In fact, the government is rapidly absorbing all the money of the country, and if something be not done, and done speedily, to restore to circulation and usefulness a part at least of the enormous sum which has accumulated in the treasury, the most distressing consequences to the community must ensue. Mr. *Webster* pressed the consideration with great force, in the senate of Monday, to show the urgency of immediate and effectual legislation in regard to the disposition of the surplus revenue.

As a matter connected with this subject of the revenue, we may refer to the developments made in the senate on Monday by Mr. *Ewing*, of Ohio, of the effects which are beginning to manifest themselves in the west, from the system of bank favoritism adopted by the executive government in regard to the custody of the public revenue.

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The whole specie of New York, Philadelphia and Boston is constantly in transitu. The New York Star states that the same boat which carries half a million of specie to Boston, will, within two days, bring back a like sum. The rail road cars between New York and Philadelphia, are carrying specie backward and forward every day. We call upon a broker in Wall street for a draft on Boston, Philadelphia, Baltimore, Charleston or New Orleans; he sells it at one, two, or five per cent. premium, or at a discount, receives the money, and at once presents the bills at the banks for specie, which is transmitted to the point at which the draft is payable, to meet it on presentation—and in this manner the specie is in the constant progress of transmission, without affording any substantial basis for bank note circulation. [*Chronicle.*

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The Boston Daily Advertiser of last week, commences its review of the market with the following remarks:

"There has evidently been a great falling off in the amount of business transactions for three or four weeks past, solely on account of the scarcity of money, and the difficulty with which negotiations are effected. The lowest street rate for the best of notes has been, during the present week, one per cent. per month, and no doubt much has been done at a higher rate. So long as this pressure upon the very vitals of trade continues, a comparatively meagre detail of weekly operations in merchandise, generally, must be expected."

MR. VAN BUREN AND THE BANK, &c.

Washington, Feb. 22, 1836.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter, inviting me in behalf of the friends of free principles in Cincinnati, Hamilton county, to attend their proposed celebration of the deliverance of our country from the thraldom of the bank of the United States, and asking from me, in case it should not be convenint for me to attend, a sentiment appropriate to the occasion.

There have been, in my opinion, few incidents in our political history, more worthy of notice, by means of a public celebration, than the one you are about thus to distinguish. The successful resistance to the Herculean efforts brought to bear upon the bank question, was a result most honorable to those by whose immediate agency it was effected, and certainly not less so to a virtuous and patriotic people, by whom their faithful representatives were cheered and sustained.

However plausible the speculations, or successful the concealments of the day, the design of the bank to extort a renewal of its charter from the apprehensions and distresses of the country, has been rendered too clear by time to be any longer contested. To speak of the mighty means which this aristocratic institution called to its aid in the great struggle through which we have passed, would be to suppose, what is scarcely possible, that the dark traces of that gloomy period can ever be obliterated from the public remembrance. But the bank mistook the character of that people whose stubborn neck it proposed to bend to its selfish interests and sinister designs. It was rebuked and discomfitted—but by no means discouraged. The people triumphed in that open contest, but before time had been allowed for seasonable celebrations of that triumph—even since your festival has been appointed, and before the day has arrived for the expression of your joy—the same power, fighting under the same panoply, but changing altogether the character of its approach, has again entered the field, and gained a victory over the popular will, which it doubtless considers brilliant and resistless. But how changed the mode of warfare in this last effort! Instead of commercial distress, public and private embarrassment, and all the concomitants of an uncontrollable panic in the public mind, plenty and even profusion pervaded the city of the bank, while its noiseless approach to the legislative power was characterized by a despatch altogether unprecedented, in so important a matter, in the history of legislation. Before even the movement is known in the remote quarters of the union, the public mind is astounded by the acquisition of a charter from the government of a single state, the apprehended grant of which by congress had filled the minds of a vast majority of the American people with dismay; and for the attainment of which from that body, all the powers of earth had been invoked in vain.

You will do right not to suffer this event, untoward as it is, to deter you from rejoicing at the victory which the whole people have won. Leaving the partial success of the bank and its consequences to the consideration and disposition of a virtuous and justly offended public, it is a matter of the highest congratulation, that the advances of this presumptuous institution upon the federal government, at least, have been successfully arrested. In that quarter our victory is, to all appearances, complete, but whether or not it is to be permanent, must depend in a great degree upon the states. Nothing short of the madness of state legislation can prevent it being so. It was in the inexcusable improvidence of state legislation that the present bank found its origin, and it is to the same source, doubtless, that it looks for a resuscitation. Time will soon determine whether the well disposed men of the present day are wiser than were their predecessors; or whether the lights of a most severe experience have been shed upon this subject to no good purpose.

As far as your growing and patriotic state is concerned, the prospect is cheering indeed. From the bottom of my heart do I congratulate you upon the noble stand which Ohio appears to have taken, at this critical moment, upon the subject of banks.

Her course is deserving of all commendation, and may well be looked to by her older sisters in the confederacy, not only with admiration, but with profit. Who can have forgotten the intense anxiety and warmly cherished hope with which Mr. Jefferson looked to his favorite west, to the hard yeomanry of the new states, for the preservation of the simplicity and purity of our republican institutions, against the seductive influences, and artificial distinctions in society, to which the Atlantic states were peculiarly exposed? Who can forget the deep tone of regret with which he contemplated a disappointment? May we not safely look upon the noble example which the largest, and certainly not the least patriotic of the new states is now offering to her confederates, as the sure promise of a new and brighter day than that foreboded by this great and good man? May we not further hope that those who, by their position, by their pursuits, and by their every interest, have the greatest stake in the greatest cause of equal rights, will also make it the object of their highest ambition to be among the foremost to uphold the constitution in the letter and spirit of that sacred instrument; and to preserve in its entire purity the simple but happy system of government, under which we have hitherto so securely lived and so greatly flourished?

To have been first selected by your state as a candidate for the presidency, I shall ever regard as one of the most gratifying incidents of my public life; yet I cannot adequately express to you how much this distinction, so well calculated in itself to command my unceasing gratitude, is enhanced in my estimation, by the conviction that Ohio will maintain this high stand upon this all important subject.

Nothing would give me more unfeigned pleasure than to assist in person in your commendable effort to rivet upon the public mind the vast importance of the great event you commemorate, were it in my power to do so; but I regret that it is not in my power.

In complying with your request to furnish a sentiment for the occasion, my mind is necessarily turned to him, who, during the stormy period to which your attention is directed, was emphatically the helmsmen of the ship, without whose quick eye and strong arm, she must have yielded to the tempest. I know well that where so many did their duty firmly and fearlessly, this is saying a great deal for the service of any one man, and yet I am fully convinced I do no more than simple justice. Such was the opinion formed from my own observation, with the best possible means of coming to a correct conclusion. Such I believe to be the undisputed opinion of his contemporaries such must be the judgment of posterity. I therefore give you, gentlemen,

Andrew Jackson. No one has done more than he, to advance the great principle of self government, expounded by Jefferson, and established on the battle field by Washington.

I have the honor to be, gentlemen, very respectfully, yours,
MARTIN VAN BUREN.

To Messrs. *Moses Dawson, E. S. Haines, W. S. Hatch, L. Day, J. B. Warren, C. R. Ramsey, Palaski Smith, William Parry.*

A GOOD ACT—OF NEW JERSEY.

AN ACT TO RELIEVE THE POOR.

Sec. 1. *Be it enacted by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the fourth day of July next, one cow, one bed and bedding, one cradle, one stove, one half cord of fire wood, one half ton of stone coal, one spinning wheel, one table, six chairs, one hog, one hundred weight of flour, one iron cooking pot, one dozen knives and forks, one dozen plates, one dozen spoons, one half dozen bowls, two pails, one barrel, one coffee pot, one tub, one frying pan, the necessary tools of a tradesman not exceeding in value ten dollars, and all wearing apparel the property of any debtor having a family, shall be reserved for the use of the family against all creditors; and shall not be liable to be seized or taken by virtue of any process whatever, issued out of any court in this state, for any debt contracted after the passage of this act.

COL. FRANCIS VIGO.

From the Terra Haute, (Indiana), Courier.

It is with the deepest regret we announce the death of the venerable and patriotic FRANCIS VIGO, who departed this life at his late residence in Knox county, on the 22d ultimo. Few men have done more for their country than colonel VIGO, and none, perhaps, no not one, have met with a poorer recompense for his many sacrifices to the public cause. A native of Sardinia, he early emigrated to America, and, by his industry and public spirit, amassed a princely fortune, every dollar of which, long since, has either gone to support the starving and perishing army of general George Rogers Clark, in the conquest of our present soil, or been expended in the exhibition of those hospitalities for which the old man was so long proverbial. Though born the subject of a king, FRANCIS VIGO was by nature a republican, and through a long life of chequered prosperity and adversity, maintained that character to the last moments of his existence. The early settlers of this country knew him well, and though the writer of these few lines had but a slight knowledge of him, personally, his history—his patriotism—his sacrifices—and his misfortunes, are deeply engraven on his mind. His purse, in early life, was cast at the feet of his adopted country—his credit was her's—his services and even his life, was thrown into the scale of American liberty and independence. When the army was without a dollar, colonel VIGO was its banker—when it had no credit, he was its endorser—when it had no friend, he was its *guide** through the wilderness, and in its defeats and its triumphs, the daring Sardinian was always at his post. The public archives of Virginia bear testimony to his devotion to the cause of our common country, and that ancient commonwealth has already acknowledged the justice of colonel VIGO's claim to pecuniary remuneration. Though living in comparative indigence for many years—almost depending on the hand of charity for sustenance—it has been found that government was his debtor to the amount of thirty odd thousand dollars, for money advanced and necessaries furnished the Virginia troops during the early wars of the west. Too patriotic to urge his claims, or too proud to beg at the door of congress for his rights, the venerable man has been dragging out a life of poverty and want, while hundreds of miscreants have fattened on the spoils of the treasury, and rioted on the plunder of the public service. The plentiful and profuse board had long since given way to the scanty repast, and the silence of the halls where he once entertained his friends, was only broken by the solitary step of some kind citizen who bent his way to the "earthly house" of the afflicted but unyielding patriot. The man who once sustained armies—whose private munificence and public spirit made glad the heart of the suffering soldier—closed his eventful but virtuous life without a vestage of the wealth he so freely dispensed to others. An enterprising citizen or two of Knox county, lately undertook to prosecute his claim on the government, and, much to the gratification of colonel V's numerous friends, have succeeded in getting its justice acknowledged. When the old man heard that his claim was allowed—that his country was just—and the remainder of his days would be rendered comparatively comfortable, he calmly replied: "I always knew my country was just—that she would indemnify her citizens for every sacrifice made in her behalf; but in this case, it comes too late. It is like furnishing a guest with mustard after dinner!" So, indeed, it was. The frosts of more than ninety winters had shaken the iron constitution of the deceased patriot, and after a short struggle, the good old man went to the "house appointed for all the living," with the benedictions of all who love their country, and the regret of those who honor its defenders.

NEW YORK BANKS.

From the New York Times.

We are indebted to the politeness of Mr. *Williams*, for the interesting statements below.

BANKS AND CURRENCY IN THE STATE OF NEW YORK.

Abstract from Williams's Register for 1836, *now in press.*

	Capital.
17 banks in the city of New York, subject to the safety fund	$14,611,200
6 banks not subject to safety fund	4,250,000
	18,861,200
60 country banks, (safety fund)	11,920,261
4 do. do. not safety fund	1,000,000
87 banks and two branches	$31,781,461

Dividends, &c. of safety fund banks.

	Capital.	*Dividends.*	*Surplus profits.*
New York city banks	$14,611,200	$1,116,989	$2,286,907
Country banks	11,920,261	1,056,464	1,845,093
	$26,531,461	$2,173,453	$3,132,000

Average dividends of country banks, 9 per cent.—City banks, 7.72.

Average surplus of country banks, 15 per cent.—City banks, 15½ per cent.

Comparative view of circulation of the banks in the state of New York.

January 1, 1836.	*N. Y. city and Brooklyn banks.*	60 *country banks.*
Whole circulation	$8,660,281 89	$12,546,081 08
Bills under five dollars	743,791 50	1,870,173 00
Bills of five dollars	1,093,790 00	4,956,445 00
Bills of ten dollars	740,630 00	3,626,430 00

	Jan. 1, 1836.	*Jan.* 1, 1835.	*Increase.*
Total circulation	21,206,362	16,731,014	4,475,348
			Decrease.
Bills under 5 dollars	2,613,964	3,730,902	1,116,938
			Increase.
Bills of 5 dollars	6,050,235	4,643,420	1,406,815
Bills of 10 dollars	4,367,060	2,702,650	1,664,410

Bank fund.

The estimated amount of the safety fund on the 1st January, 1836, principally invested in state stocks, at 4½ and 5 per cent. interest, was $540 285 52.

Savings banks.

Amount of funds in eleven savings banks in this state, according to the latest returns	$4,831,613 61
Deposites of trusts in Life Insurance and Trust Company, city of New York	5,208,733 07

*Col. Vigo volunteered as a *guide* to the army of George Rogers Clarke, from Kaskaskia to Vincennes, and was at the capture of the last named post.

A CAPITAL PORTRAIT.

From the Cincinnati Farmer.

PETER BRUSH was in a dilapidated condition; out at elbows, out at knees, out of pockets, out of spirits, and out in the street; an "out and outer" in every respect. He sat upon the curb-stone, leaning his head upon his hand, his elbow being placed upon a stepping stone. Mr. Brush had for some time been silent, absorbed in deep thought, which he relieved at intervals by spitting through his teeth forlornly into the gutter. At length, heaving a deep sigh, he spoke. "They used to tell me—put not your trust in princes—and I hav'nt. None of 'em never wanted to borrow nothing of me. Princes! pooh! Put not your trust in politicianers! them's my sentiments. There's no two mediums about that. Hav'nt I been serving my country these five years, like a patriot; going to meetings and huzzaing my daylights out, and getting as blue as blazes; hav'nt I blocked the windows, got licked fifty times, carried I don't know how many black eyes and broken noses, for the good of the commonwealth and the popularity of our illegal rights, and all for what? Why, for nix.

"If any good has come out of it, the country has put the whole of it in her pocket, and swindled me out of my earnings. I can get no office! Republics is ungrateful! I didn't want no reward for my services, I only wanted to be took care of and have nothing to do; and I've only got half nothing to do! Being took care of was the main thing. Republics is ungrateful, I'm swaggered if they ain't!" "Come with me," said Charley, helping him along, "I'll take care of you. But what made you a politicianer; haven't you got a trade?" "Trade! yes; but what's a trade when a feller's got a soul—a whole soul? Trade! I loved my country, and I wanted an office; I didn't care what, if it was fat and easy. I wanted to take care of my country, and I wanted my country to take care of me. Head-work is the trade I'm made for; talking, that's my line. Talking in the oyster cellars, in the bar-rooms, anywhere. I can talk all day, only stopping for meals and to wet my whistle. But parties is all alike. I've been all sides; tried 'em, and I know; none of 'em gave me any thing, and I've a mind to knock off and call it half a day."

BEET-ROOT SUGAR.

Our eastern brethren have lately paid much attention to a home-supply of sugar, from beets; and, as they seldom fail in any thing which they fully "take *hold on*," it is most probable that they will succeed.

The extent to which the manufacture of the beet-root sugar has been carried in France, will be understood by the following statements, derived by the Boston Daily Advertiser from a report made by the general council of commerce of France, dated January 25, on the expediency of imposing a tax on the manufacture of domestic sugar.

The *changes of trade* which success in this project will cause, and has caused in France, may be very important. Sugar is now very high—owing, perhaps, to the short crop of Louisiana; but is clearly shewn that the "abominable tariff" has had very little to do with the price of *sugar* and *coffee* and hundred of other articles.

It is there stated, on the authority of "authentic documents furnished by the minister of commerce," that the importation of colonial sugar for consumption, had been either stationary, or had retrograded, from 1829 to the end of 1835; that in the same period there had been so great an increase in the manufacture of indigenous sugar, that in place of 4,000,000 kilograms in 1829, 30,000,000 had been manufactured in 1835, and there was a promise of a great increase in 1836 and 1837. This result, of the inverse progress of the two classes of produce, is attributed by the council, to the forced legislation, which subjects colonial sugar to a duty of 49 francs 50 centimes per 100 kilograms, while indigenous sugar is left free of duty. A continuance of the system they think will cause the complete ruin, or the commercial emancipation, of the French colonies, and consequently a loss to the treasury of 30 to 35 millions now derived from the duty on sugar. They say that the present price of colonial brown sugar in the Paris market, of the quality called *good fourth*, is 140 francs the 100 kilograms, that is, 90f. 50c. for the sugar, with the cost of importation, and 49f. 50c. for the import duty. The price of the sugar betterave, of the same quality, at the same time, was 132f. They state on the authority of agriculturists, and of some of the most celebrated manufacturers of the indigenous sugar, that the betterave sugar may be produced and delivered at Paris, not only at 90f. 50c. the 100 kilograms (the price of colonal sugar exclusive of duty) but for a much less price. As the produce of the tax on sugar cannot be dispensed with, they propose that a part only of the duty on colonial sugar should be taken off, and that its place should be supplied by a tax on the betterave. They conceive that the manufacture has not yet reached the state of perfection of which it is susceptible, and that it therefore still deserves encouragement, by being subject to a lighter duty than the manufacture from the sugar cane. They conclude by proposing a tax of 15f. per 100 kilograms, on sugar of betterave, and a reduction of 10f. per 100 kilograms in the import duty on colonial sugar.

These facts will serve to show how firmly the manufacture of sugar is established in France, and how rich a source of profit it must be to the agricultural industry of the country. The produce of 1835, amounting to 30 millions of kilograms—equal to more than 60 millions of pounds, is worth, at the price stated, nearly 40 millions of francs, or $8,000,000. In further proof of the importance which is attached to this manufacture in Europe, we publish the following note, which we have just received from a mercantile friend, whose suggestions are always worthy of attention.

To the editor: SIR: I read in your paper of Saturday, the 2d inst. the very interesting letter of Mr. Isnard on the production of sugar from beets.

On the same day I received the commercial state of one of the great European marts, from a correspondent of high standing. In this he says, "The fabrication of beet-root in France, not exceeding four million pounds, in 1828 amounts in 1835 to *forty million pounds, with the certainty of a further considerable increase, which may in course of time lead to a great crisis in sugars and the West India colonies, should the fabrication of beet-root sugar be followed up in other parts of Europe with the same energy."

Have we not reason to expect that this cultivation may be attempted in some of the western states, where there are millions of acres, having soil so rich, that, here, it would be called good manure. I am not an agriculturist, but cannot but think we have land where beets would grow to the size of handy firewood, and that we could far outdo the French in tons of beets per acre—to others I shall leave the estimate of labor to convert them into sugar.

—

We were surprised, on looking the other day, at a specimen of sugar, exhibited at the exchange which was manufactured in France from the common beet-root, to find, that the cost per lb. was only 9½ cents. What would be the price with the cost of importation added, we cannot exactly tell; but if sugar can be made from the beet root in France, the thing can certainly be done in America, where the esculent is to be found in abundance. A knowledge of the *modus operandi* in manufacturing, is all that is requisite. Either imported or manufacturing, there can be little doubt that it would command a ready sale. The grain is fine, and of the purest white; and the quality of this kind of sugar is, to say the least, for sweetness and strength, equal to any other sort. [*Phil. Gaz.*

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

April 14. The bill respecting the public lands was amended, in various instances, and then laid upon the table.

The senate proceeded to consider the message from the house of representatives, insisting on their amendment to the bill to establish a territorial government in the territory of Wisconsin.

Mr. *Buchanan* moved to appoint a committee of conference.

Mr. *Knight* wished to be first assured whether there was not a majority of the senate who would be willing to recede, and called the yeas and nays on the motion, and they were ordered.

The question was then taken on the motion of Mr. *Buchanan*, and decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Crittenden, Cuthbert, Ewing, of Illinois, Goldsborough, Grundy, Hubbard, King, of Alab. King, of Georgia, Linn, Porter, Rives, Robbins, Robinson, Ruggles, Walker, Wall, Webster, Wright—23.

NAYS—Messrs. Clay, Davis, Ewing, of Ohio, Hendricks, Hill, Kent, Knight, Mangum, Morris, Naudain, Nicholas, Niles, Prentiss, Shepley, Southard, Swift, Tomlinson, White—18.

It was then ordered that the committee of conference consist of three senators; and,

On motion of Mr. *Porter*, they were appointed by the chair, and ordered to consist of Mr. *Buchanan*, Mr. *Webster* and Mr. *Shepley*.

April 15. Mr. *Goldsborough* presented a memorial of the citizens of Baltimore, on the subject of clearing the ice, by means of an ice-breaker, in the harbor of that city.

Mr. *Calhoun* presented the petition of —— Melville, formerly a weigher and ganger in the custom house at Newport, R. I. and who was turned out of office in March, 1835, under circumstances alleged to be of extraordinary oppression.

Some debate ensued on this petition. The case was admitted to be one which required examination, and the petition was referred to the committee on commerce, and, with the documents, ordered to be printed.

Mr. *Goldsborough*, from the committee on military affairs, to whom was referred the memorial of certain officers and soldiers praying that a chaplain may be allowed, reported a bill to make provision for chaplains at the different military posts; which was read, and ordered to a second reading.

Mr. *Kent* offered the following resolution; which lies over for consideration:

Resolved, That the president of the United States be requested to open negotiations with the government of France, as soon as the diplomatic intercourse between the two countries shall be renewed, for the purpose of placing our trade in tobacco with that country upon a more liberal footing than the existing

*This is one-third more than the crop of New Orleans sugar for the same year.

system of administration "*en regie*" admits of, and corresponding better with the generous spirit exhibited heretofore, as well as at this time, by the United States, in reducing the duties on various products from that country.

On motion of Mr. *King*, of Alabama, the senate proceeded to consider the bill to provide for the distribution of the proceeds of the public lands, &c. when

Mr. *Benton* addressed the senate at length, for the purpose of showing that the erection of necessary fortifications would absorb the surplus revenue, and that the bill now before the senate was antagonistical to the system of national defence recommended by the president, and the situation of the country.

Mr. *Ewing*, of Ohio, said a few words, on which he stated that the impression in his mind, from a perusal of the message of the president, was, that the president and the heads of the war and navy departments are not in favor of such extended appropriations as were now recommended.

Mr. *Benton* made a brief explanation, when the bill was, for the present laid on the table.

The senate adjourned until Monday.

April 18. Mr. *Hendricks* presented the petition of William Patterson, of the city of Dublin, in Ireland, representing that he has invented a valuable improvement in the art of tanning hides and skins, by an article not heretofore used for that purpose; applicable, also, to tanning ropes and sails, and to dying. He wishes to take out a patent from the United States, and, not being a citizen, he prays that that part of the patent law be dispensed with which requires citizenship, and a residence of two years, and that a patent be granted to him, or to his representative in the United States. Referred to the committee on the judiciary.

Mr. *Buchanan*, from the committee of conference appointed in reference to the disagreeing votes of the two houses, on an item in the bill establishing a territorial government in the territory of Wisconsin, made a report.

The report, which recommended to the senate to recede from their disagreement to the amendment of the house, having been read,

The question was taken on receding, and decided in the affirmative.

Mr. *Grundy* moved the senate to take up for consideration the bill to authorise the making of contracts for carrying the mails, with the rail road companies, stating that he had no wish to embarrass the progress of another bill. He hoped this bill would be taken up, and that some progress be made in it at this time.

The bill was read.

After a long debate, the bill was laid on the table for the present; and the senate proceeded to consider the bill making a distribution of the proceeds of the public lands.

On motion of Mr. *Ewing*, the senate took up the bill to provide for the distribution of the public lands; and

On motion of Mr. *Mangum*, the senate adjourned.

[A good deal of preparatory business was attended to this day.]

April 19. After the presentation of petitions, &c.

Mr. *Ewing*, of Ohio, offered the following resolution, and asked for its consideration:

Resolved, That the secretary of the treasury be directed to inform the senate what amount of moneys of the United States received for public lands in the states of Ohio, Indiana, Illinois and Missouri, and the Michigan territory, has been, in pursuance of his instructions, transferred to banks in the eastern cities, since the 30th of June, 1835; and that he designate the banks *from* and *to* which such transfers have been made; that he also inform the senate whether any such transfers are now ordered; and whether any of the deposite banks in the above-named states or territory have authority to direct what money shall be received for public lands in the districts for which they are the depositories.

Mr. E. said he had received from several quarters a circular directed by one of the deposite banks in the state of Ohio to the other banks in that state, the extraordinary character of which had induced him to make the inquiries specified in the resolution, and ask (said Mr. E.) that the circular may be read.

CIRCULAR.

Clinton bank of Columbus, April 1, 1836.

SIR: The large amount of paper received from the land offices, and the difficulty and expense of converting it into funds receivable by the treasury department in the eastern cities, (whither nearly the whole amount is necessarily required to be transmitted) will compel this institution in future to decline receiving through that channel the paper of all the banks of the state, other than the deposite banks, that will not consent to redeem *the paper so received*, by DRAFTS *on New York, Philadelphia or Baltimore*, payable thirty days from date, AT PAR!

Permit me to inquire whether it is the wish of your institution that your paper shall be received upon these terms?

Instances occur daily, of eastern funds being converted, at a profit, into the paper of the local banks, which is paid into the land offices, and the burden of converting the paper again into eastern funds is thrown upon the institutions receiving the public deposites.

You are aware that we have heretofore received the paper of all the banks of the state, without condition or discrimination. We regret that the rapid sale of the public domain, and the premium which it costs to convert such paper into the medium in which our remittances are made, will not permit us to continue to do so.

Be pleased to let us hear from you in reply, as early as practicable.

In the mean time, we have directed the receivers who deposite here, not to receive, after the 20th instant, the paper of any bank of the state, (other than the deposite banks), unless hereafter instructed to that effect by this institution.

Very respectfully, J. DELAFIELD, jr. *cashier*.

I wish to know, (said Mr. E.) whether *nearly all the moneys* received for the sale of the public lands in Ohio are in fact transferred by order of the secretary of the treasury to the city of New York, and the other eastern cities, and, if so, I wish to know why this is done? There is already in deposite in New York a very large amount of the public money, for which there is no present or probable future use; an amount, I believe, exceeding TEN MILLIONS of dollars in that single city, and large sums in the other Atlantic cities. Why is it then, that, of the small amount, the mere modicum of the public moneys which are received in Ohio, "*nearly the whole amount is necessarily required to be transmitted*" to these same eastern cities? If this be so, as stated in that circular, and I have no doubt it is, for there is no question whatever of the veracity of the gentleman at the head of that institution, I wish to know what public necessity or public convenience has required the secretary of the treasury to drain this money from the west, and lodge it in the deposite banks in the great cities. There are some other matters indicated by this circular, of which I wish to be informed. It is stated there, that orders have been given by that deposite bank to the receivers of public money of the United States, who make deposites at that bank, that they shall not after the 20th of April, receive any notes of the Ohio banks, other than deposite banks, in payment for land, unless thereafter directed so to do; and they make it a condition to such directions, that the banks shall agree to pay the amount of their notes so received—*not in specie*—no, that will not do, but in drafts on some of the eastern cities at 30 days' date, at par. Such drafts are worth from one to two and a half per cent. advance; and this is the tax that this deposite bank levies upon its neighbors for the privilege of having their notes made receivable by the treasury of the United States. This is a very important power, and a very profitable one, and if it be in fact vested by the secretary of the treasury in the deposite banks, it is time that the public should be informed of it.

There are in the state of Ohio, if I have counted them right, thirty-four banks, with a capital of a little more than nine millions of dollars. Most of them have been in operation about 20 years, and have at all times, since the restoration of specie payments in 1818, preserved the highest character for solvency and stability. I hold in my hand a report of their condition, made to the legislature of Ohio in January last, which is subject to the inspection of any gentleman who wishes to examine it. It shows a strength and soundness in their condition not excelled, and, I incline to think, not equalled by any like number of banks in the United States. There is no question about their perfect ability to answer all their engagements.

This bank, which, by virtue of power derived from the treasury, is about to control and limit the circulation of its thirty-two neighbors, all of equal credit and ability with itself, went into operation not more than two years ago. Its capital, amounting to $288,680, is nearly half owned out of the state; and it is not acceptable to the other banks, nor do I think it is to the public generally, that this kind of control should be given to this new institution, so large a part of which is owned by capitalists in the cities, over the other well known and long tried institutions of the state. The banks do not like it; but some of them, for reasons not explained to me, are unwilling to be known as complaining of it. I received this circular, as I observed, from several quarters, and some of them require me not to say who sent it to me. I suppose they are afraid that the deposite bank would resent the communication; and a war with that bank, carried on, as it would be, by ammunition drawn from the treasury of the United States, is rather to be dreaded than rashly incurred.

The banks, however, must, I presume, refuse the terms imposed upon them by the deposite bank, and permit their notes to be so far discredited as a refusal to receive them for the public lands will tend to their discredit. Exchange is high and difficult to be procured; I have been told that it has, within the present spring, come up to two and a half per cent. It ranges, I have no doubt, from one to one and a half in the regular course of business. What this bank then demands of the other banks is this premium upon all their notes that it may receive for lands—so much more than gold and silver, which they are all ready to pay at their counters.

This bank, then, requires the receivers of public moneys to take none of the notes on the banks of the state for lands except the notes of the deposite banks, and there are but two of them out of the thirty-four. An individual who wishes to purchase lands gets his money principally in notes of the banks of the state, part on one bank and part on another. This money will not buy land, and he cannot go round among the banks to get specie for it; and if he could it would be very inconvenient to carry silver, (and there is no gold among us yet), into the woods for such an object. He, therefore, if he knows of this regulation, must go to this deposite bank, and make exchanges for their paper. Thus the other banks lose their share of the circulation; the purchaser pays a premium to the deposite bank

for the exchange, or, in the expressive language of the country, he gets his paper *shaved*, and the notes are returned upon the state banks for specie. Or, perhaps, the farmer, who goes out to purchase land, does not know of this regulation, and takes his money out, as used to be done, in notes on good specie-paying banks. He suits himself in his tract of land and proposes to make the entry. He takes out his cash and is told that it will not do; he must have notes of the deposite banks. What, then, must he return without making his purchase? No, not so. I venture the conjecture that there will be a shaving shop very near the receiver's office, where he can get his money shaved by paying about $5 on the hundred, and receive for it the paper of some one of the deposite banks.

I wish to know, Mr. President, whether this state of things, as set forth in this circular, does exist, and must continue to exist; whether the public money received for land in the west is, and must continue to be, nearly all transferred to the eastern cities. And I wish to know, also, whether the secretary of the treasury has authorised any one or more banks in Ohio to direct what money shall and what shall not be received for public lands in that state and in the neighboring states. To obtain this information I have offered this resolution.

The resolution was then agreed to.

Other business being attended to—

The senate proceeded to consider the bill to provide for the distribution of the proceeds of the public lands among the several states, and granting lands to certain states.

The question being on the motion of Mr. *Benton* to strike out the clause granting lands to Missouri,

Mr. *Southard* addressed the senate at length.

About half past 3, Mr. *Southard*, being fatigued, gave way for a motion to adjourn.

The motion was withdrawn; and,

On motion of Mr. *Preston*, the senate proceeded to the consideration of executive business; and, after remaining a short time with closed doors, the senate adjourned.

April 20. After some unimportant business had been attended to—

The senate proceeded to consider the bill to appropriate the proceeds of the public lands among the several states, and granting lands to certain states; when

Mr. *Southard* resumed his observations commenced yesterday, and spoke at some length, in conclusion.

After Mr. *Southard* had concluded,

Mr. *Wright* rose to address the senate in reply to Mr. *Southard*, and continued until after 4 o'clock, when he gave way to a motion to adjourn; and, on motion of Mr. *Robinson*, the senate adjourned.

April 21. Mr. *Webster* reported a bill to repeal the 14th section of the act relating to the United States bank, without amendment.

The bill to distribute the avails of the public lands among the several states was taken up.

Mr. *Wright* resumed and concluded his remarks in opposition to the bill.

Mr. *Crittenden* addressed the senate at length in reply. After concluding his remarks,

Mr. *Grundy* rose, and made a statement in relation to the Union bank of Tennessee, to prove that this institution was perfectly able to meet any demands which might be made on it.

Mr. *Benton* then withdrew for the present his motion to amend the bill by striking out the appropriation of lands to Missouri, because of the absence of his colleague.

Mr. *Walker* then moved an amendment, the effect of which would be to introduce an established rate of value on the graduation principle.

Mr. *Clay* expressed his intention of speaking generally to the bill hereafter, and then entered into a brief argument, which was confined to the proposed amendment, and in oppositon to it.

Before the question was taken on the adoption of the amendment, on motion of Mr. *Porter*, the senate adjourned.

[The general appropriation bill was received from the house, read twice, by unanimous consent, and referred to the committee on finance.]

HOUSE OF REPRESENTATIVES.

Friday, April 15. Immediately after reading the journal, Mr. *Denny* rose to make a motion; when

Mr. *Howard* requested him to yield the floor to enable him to bring a subject before the house, in which he felt a personal interest. Mr. *Denny* having complied, and leave being granted by the house,

Mr. *Howard* said that he wished to call the attention of the house, and of the gentleman from Virginia (Mr. *Wise*) to the imperfect manner in which his (Mr. W's) remarks, made on the day before yesterday, were reported in the National Intelligencer of this morning. It would be remembered by the house that considerable debate occurred upon a motion of a gentleman from North Carolina, (Mr. *Shepperd*), to strike out a part of the contingent fund provided for the state department, and which involved, in its range, the propriety of the appointment by the president of two commissioners to proceed to Ohio and Michigan, after the adjournment of the last congress. Mr. H. said that, as was well known, he had the honor of being selected as one of these commissioners, associated with a distinguished gentleman (Mr. Rush) who had filled many honorable stations under the government. With what success or ability they had performed their duties, it was not for him to judge being satisfied with the approbation of the president, expressed on the surrender of the trust; but he would say, that they were undertaken with a single eye to the preservation of the peace of the country, then threatened with imminent danger of violation. In the course of the debate, the power of the president to make such appointments had been freely discussed. This was a matter properly open to debate, and gentlemen had a fair right to scrutinize it strictly. He had listened to the remarks of the gentleman from Virginia, (Mr. *Wise*), as he always did, with attention, and was perfectly sure that the report of them, which he would ask the clerk to read, was not an accurate report. The debate having turned exclusively upon the appointment of the commissioners, the gentleman from Virginia is made to say as follows:

The clerk then read this extract:

"Mr. *Wise* said, the discussion showed the necessity of examining these contingent appropriations. What would gentlemen say (he asked) if it should turn out that this very appropriation of twenty-five thousand dollars was used to pay some of these secret agents, appointed without any authority of the constitution? He went into the examination of the right of appointment, and contended that the president had no power of the kind contended for. The contingent appropriations (he said) were applied to all sorts of illegitimate purposes; and even one portion of a system of corruption, which had increased to a most enormous extent."

Mr. *Howard* said that, in the passage just read, it might be inferred by some readers, that the epithet contained in the last sentence was applied to the appointment of the commissioners, which, he was perfectly sure the gentleman from Virginia did not do. The remarks which were made by members of the house, in debate, were of great consequence, but those which were reported to have been made were equally so, because they went forth to the nation, instead of being confined to the house; and, having called the attention of the gentleman from Virginia to the imperfection in the report of his remarks, he left it to his own sense of justice what course to pursue.

Mr. *Wise* said it would give him a great deal of pleasure to explain. He would say that he had spoken on the day alluded to without preparation and extemporaneously, and could not say what his precise words were, but he knew what his meaning was. He meant to instance this appointment of commissioners to Michigan by the president of the United States, not as a corrupt appointment, but as an illegitimate appointment; and he had generally denounced contingent appropriations, as covering illegitimate and corrupt applications of the public moneys. He did not mean to charge the honorable gentleman from Maryland, or the president, with corruption in the appointment, but he charged the president then, as he did now, with making an illegitimate appointment, when there was no necessity for doing so; there was, however, a difference of opinion on that subject. At the time alluded to, he was debating the subject with his colleague (Mr. *Mason*) of these contingent appropriations covering corrupt appropriations of the public moneys. He did not charge the gentleman from Maryland (Mr. *Howard*) with corruption; and if such charge was intimated in the report, he would say with great pleasure that he was misreported.

Mr. *Howard* said that he was glad to find that the recollection of the gentleman from Virginia corresponded with his own. The constitutionality or legality of the appointment was properly open to debate, and gentlemen upon all sides had a perfect right to express their opinions upon it. He would no longer detain the house from its ordinary business.

[The house then proceeded to the regular business of the morning.]

Saturday, April 16. Mr. *Cave Johnson*, with the consent of the house, submitted the following resolution; which was agreed to:

Resolved, That the report of the secretary of state, dated the 22d of December, 1834, numbered thirty-six among the documents of the 1st session of the 23d congress, and the papers accompanying the same, be referred to the committee of ways and means, with the following instructions:

1st. To inquire into the propriety of repealing the act of the 2d of March, 1833, and rescinding the contract made by virtue thereof, by Edward Livingston, on the part of the U. States, and Clarke & Force, for the publication of the "Documentary History of the Revolution," and to pay the expenditures incurred by said publishers in consequence of said contract.

2d. If that is not proper to be done, then to inquire into the propriety of better regulating said contract, directing the number and size of the volumes, and the sum to be paid for the same, and the time for the completion of said publication, and the best and proper means of superintending said publication, and directing the documents to be inserted in said publication.

On motion of Mr. *Whittlesey*, the house went into committee of the whole on the state of the union, upon the bill granting half pay to widows and orphans of those officers and soldiers who have died, or shall die, of wounds received in the service of the United States, in certain cases.

After some explanation from Mr. *Whittlesey*, the committee rose, and reported the bill without amendment, and it was ordered to be engrossed for a third reading, read a third time, and *passed*.

The general appropriation bill occupied nearly the remainder of the day.

Monday, April 18. Mr. *Reed* presented the following resolution, adopted by the house of representatives of the commonwealth of Massachusetts, on the 9th of April instant, viz:

Commonwealth of Massachusetts, house of reps. April 9, 1836.

Resolved, That it is expedient to instruct the senators and request the representatives of this commonwealth, in the congress of the United States, to use their endeavors to obtain the passage of a law by congress to prevent the introduction of foreign paupers into this country, or to favor any other measures which congress may be disposed to adopt to effect the object.

Mr. *Slade* presented petitions of 167 ladies of the county of Addison, and 93 citizens of Middleburg, in the state of Vermont, praying for the abolition of slavery and the slave trade in the District of Columbia; which were referred to the committee appointed under the resolution on that subject offered by Mr. *Pinckney*.

After other business, the general appropriation bill was taken up, and some progress made therein. The house adjourned.

Tuesday, April 19. By general consent, the house then proceeded to consider the following resolution, heretofore submitted by Mr. *Dromgoole:*

Resolved, That the secretary of the treasury be directed to communicate to this house full information of the mode and manner of selecting banks in the several states or territories for the deposite of the public money of the United States; of all contracts, agreements or stipulations entered into with said banks for the safe keeping of said moneys; that the secretary of the treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, agreements or stipulations concerning the deposite and safe keeping of said moneys in said banks.

The question being on the motion of Mr. *Wise* to amend the resolution by striking out all after the word "Resolved," and inserting the following:

That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposite for the public money; the contracts with the treasury department, by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposite of the public money; and into all connexion or relation, official or unofficial, which exists, or has existed, between any person or persons and the treasury department, or between them and the deposite banks, or any individuals or banks, touching the custody and the control and deposite of the public money; or between any department of the executive, and any individual or individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said department, or said banks, touching the disbursement, safe keeping, or deposite of the public money; and that said committee have leave to report by bill or otherwise.

Mr. *Wise* resumed and concluded his remarks in support of his motion.

Other gentlemen followed, until Mr. *Cambreleng* called for the order of the day.

Mr. *Mercer*, by consent, submitted the following resolution, which he modified at the suggestion of Mr. *Calhoun*, of Mass. by the addition of the last clause, and the resolution was agreed to.

Resolved, That the secretary of the treasury be directed to lay before this house a statement of the several amounts deposited in the various deposite banks of the government by the several officers thereof, on public account, on the first day of the present month, together with the semi-monthly returns of the deposite banks in relation thereto.

The general appropriation bill was taken up, and some progress made therein. Adjourned.

Wednesday, April 20. Mr. *Wise* asked and obtained the consent of the house to make a statement relative to a paragraph which appeared in the Globe of yesterday, on the subject of the proceedings of this house.

Mr. *Wise* said it would be recollected that on Monday last, a gentleman from Massachusetts (Mr. *Reed*) moved the suspension of the rules, in order to call the states for the presentation of such petitions as should not be objected to, nor provoke any discussion. The Globe of yesterday stated, editorially, that he (Mr. *Wise*) objected to the presentation of a petition by the gentleman from Massachusetts. This, so far from being true, was a total perversion of the facts, as they occurred. He did not object to that petition, and the reason that he objected to the presentation of a petition subsequently presented by the gentleman from Rhode Island, was, that the previous objection had been made to the reception of the petition offered by the gentleman from Massachusetts, and that he considered the restriction in the resolution an abridgment of the right of petition.

He offered this explanation, because the Globe attempted to connect its false statement with another falsehood, *to wit*, that there was an understanding between him and the gentleman from Vermont, as to the presentation by that gentleman of his memorial against the admission of Arkansas. Any and all intimations, by whomsoever made, that he, or, so far as he knew, any of his friends, had any understanding, tacit or expressed, with any gentleman, here or elsewhere, with regard to the introduction of these memorials were *false, foully false*. He knew not that the gentleman from Vermont had any memorial of this kind to present. He had opposed the presentation and reception of all abolition memorials from the commencement of the session. He hoped that the Globe reporters would note these remarks, in order that the Globe might record the evidence of its baseness in its own columns.

Other minor matters being disposed of—the general appropriation bill again came up, and further amended, after discussions.

Mr. *Hannegan* moved the previous question on the bill.

The demand for the previous question was seconded by a vote of 95 to 64.

The question being whether the main question shall be now put,

Mr. *Mercer* called for the yeas and nays; which were ordered.

The question being taken, it was decided in the affirmative—yeas 164, nays 74.

The house then adjourned.

Thursday, April 21. Mr. *Ripley*, of Louisiana, by general consent, submitted the following resolution:

Resolved, That the committee on roads and canals be instructed to inquire into the expediency of authorising the secretary of the treasury by commissioners (subject to his approbation) to select sites and prepare reports and estimates of hospitals to be built upon the western rivers and lakes for disabled and sick seamen and boatmen on said waters.

The resolution was agreed to.

Mr. *Mercer*, by general consent, offered the following resolution; which was agreed to:

Resolved, That the secretary of war be directed to lay before this house a statement of the various surveys made pursuant to the act of the 30th of April, 1824, specifying therein, as nearly as practicable, their respective cost, the date of the commencement, and, where already completed, the report of each survey; and distinguishing such as have had their entire expense defrayed out of the annual fund appropriated by that act, and the several appropriations subsequently made for the same object, from those surveys which have been made at the joint cost of this government, and various states, corporations or associations of individuals.

Mr. *Granger* said that he asked, and did not doubt that he should receive, the unanimous consent of the house, to present a memorial of the heirs-at-law of baron De Kalb, asking compensation for his sacrifices in our revolutionary struggle. To this petition is appended a memoir presented by *Simeon De Witt Bloodgood*, of the city of Albany, in behalf of the petitioners.

Mr. G. further said, that, did the rules of the house permit, he should have felt it to be his duty, as it certainly would have been his pleasure, to have made a few remarks upon the character of this gallant German, the story of whose services and death, in the cause of freedom, was so closely interwoven in our country's history; but, under existing circumstances, he must content himself with moving that the petition and accompanying memoir be printed, and that they be referred to the committee on revolutionary claims.

It was so ordered.

The general appropriation bill came up. The previous question was called for, and seconded—88 to 64.

Mr. *Williams*, of North Carolina, called for the yeas and nays on the question "Shall the main question be now put?" and they were ordered.

The question being taken, it was decided in the affirmative, as follows:

YEAS—Messrs. Anthony, Ash, Ashley, Bean, Boon, Bouldin, Bovee, Boyd, Buchanan, Bunch, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, J. F. H. Claiborne, Cleveland, Coffee, Coles, Conner, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Fairfield, Farlin, Fowler, French, Fry, Wm. K. Fuller, J. Garland, Gillet, Glascock, Grantland, Haley, Hamer, Hannegan, S. S. Harrison, Hawes, Hawkins, Haynes, Howard, Huntington, Huntsman, Ingham, J. Jackson, Jarvis, Joseph Johnson, R. M. Johnson, Cave Johnson, J. W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, G. Lee, J. Lee, Leonard, Loyall, Lucas, Lyon, Abijah Mann, J. Mann, Martin, John Y. Mason, William Mason, M. Mason, May, McKeon, McKim, McLene, Montgomery, Morgan, Owens, Page, Parks, Patterson, F. Pierce, Dutee J. Pearce, Pettigrew, Phelps, John Reynolds, Ripley, Roane, Seymour, Sheilds, Shinn, Sickles, Smith, Speight, Standefer, Sutherland, Thomas, J. Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Webster—108.

NAYS—Messrs. Adams, Chilton Allan, H. Allen, Bailey, Bell, Bond, John Calhoon, W. B. Calhoun, Campbell, George Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Doherty, Denny, Evans, Everett, Philo C. Fuller, Granger, Grayson, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Howell, Hunt, Ingersoll, Wm. Jackson, Janes, Jenifer, Henry Johnson, Lawrence, Lay, L. Lea, Lewis, Lincoln, Love, S. Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, J. A. Pearce, Peyton, Phillips, Potts, Reed, Rencher, Robertson, Russell, W. B. Shepard, Aug. H. Shepperd, Slade, Slone, Spangler, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, Whittlesey, Williams—75.

The chair having decided that the main question would be, "Shall the bill pass?"

The question was then put and the bill passed, and sent to the senate.

POST OFFICE CONTRACTS—RAIL ROADS.

In the U. S. senate on Monday, the bill reported by Mr. *Grundy*, authorising the post office department to make contracts with the various rail road companies for the conveyance of the mail and property of the United States, was taken up, read and considered as in committee of the whole.

Mr. *Grundy* advocated at large the expediency and necessity of the bill. He argued the impracticability, without enormous expense, of competing in rapidity of conveyance with rail road companies. He admitted that the expense of contracts with such companies would be very great. But he insisted that till 1841, land bill and all, the surplus of the public money would be so great that it could not be expended with all the aid of expenditure that could be derived from fortifications. He thought it would be one of the best ways of distributing the surplus, to employ it in procuring a rapid transmission of information through the mail or rail roads.

Mr. *Webster* said he had early in the session offered two resolutions of inquiry on this subject, one of which indicated a measure similar to this bill. He was in favor of the land bill, and if he thought this measure would interfere with that, he would certainly give that the preference. But he thought it could not so interfere. It appeared from the treasury report of this morning, that on the 1st inst. there were $31,895,000 of surplus money in the treasury. The income of the first quarter of this year, ending on the first of March, had been $10,725,000, and the prospect of revenue for the whole of the present year, is $20,000,000 for land, $20,000,000 for customs, and $1,000,000 from other sources, making an aggregate of $41,000,000 of revenue for the present year. Besides this, there are $7,000,000 in the old United States bank. What could be done with all this money?

The secretary at war had given a judicious and interesting view of the subject of appropriations for national defence, on all the objects of fortifications, armament and naval preparations, and he had justly represented the navy as the main arm of defence in controversies with foreign states. We can properly rely on nothing so well as a superior naval force on our coasts to defend our principal cities. Mr. W's views on this subject accorded with those of the secretary. But after all reasonable expenditures on these and other objects, there must inevitably be a large unappropriated surplus in the treasury.

Gentlemen here were not generally aware of the pressure on the money market along the whole coast, and to some extent in the interior. That pressure was singular in its character. Money is scarce beyond all example, and prices high at the same time, beyond all example. There is a tendency, too, to accumulate all the money of the country in the treasury, and hold it in the deposite banks. At a proper opportunity Mr. W. designed to go into the causes of this peculiar and very singular condition of our financial affairs. But for the present he was most happy to give the bill his support, and hoped it would receive it elsewhere.

Mr. *Buchanan* thought there would be great difficulties attending this measure. He had no constitutional difficulties on the subject of internal improvement. But he thought in this case there would be much danger of rail roads, with bankrupt companies, coming into the hands of the government.

Mr. *Clay* gave an amusing account of the manner in which rail road projects are in many cases got up. The whole stock is subscribed for by speculators to sell at an advance; other speculators buy of them to sell at a still greater advance, and so the project grows while the price is rising, with a total uncertainty in regard to the completion of the work when the stock should begin to fall. Mr. C. thought this bill would give a great impulse to this kind of speculation. This speculation was one cause of the pressure on the money market. Property had risen and was still rising; and while it rises speculators will be disposed to buy, and there will be a great demand for money. At the same time money is depreciated, owing to the great quantity of the public money in the deposite banks, and to a want of confidence. The present state of the finances cannot endure. It is seen that there is, there must be an explosion, there is therefore a tendency to hoard hard money. Mr. C. would not now declare for or against the bill; but he thought at such a time the government should proceed with great caution.

Mr. *Davis* characterized the bill as a measure of mere inquiry as to the kind of contracts which may be made with the various rail road companies. The power would still remain with congress to accept or not accept the contracts. Information on this subject is greatly needed; the mail must run on the rail roads, as all admitted; and viewing the bill in this aspect, which he considered the true one, he was in favor of it.

Mr. *Mangum* insisted that the bill was a resuscitation of the old system of internal improvement in a much more latitudinous and objectionable form than ever. It would be a greater political instrument of the treasury department than even the deposite banks and the surplus revenue.

After some further remarks by Messrs. Grundy, Mangum, Benton, Webster and Leigh, the bill was laid on the table.

[It is supposed that Mr. Grundy's bill will pass. Indeed, we do not see how the mails, to and from the "great west," are to be lugged, after a little while, over the Alleghanies, unless at a tortoise-like rapidity, without the use of rail roads.]

INDIAN WAR, &c.

The western Indians. We regret to learn from the Washington Globe that information has been received at the adjutant general's office from general Brooke, commanding at Green Bay, stating that a war belt from the Seminoles is circulating among the Winnebagoes, and that there is reason to apprehend that these latter Indians may be induced to commit hostilities against our settlements.

Accompanying the above statement, the Globe makes the following judicious remarks:

"The state of things among the Indians generally seems to render an increase of the army indispensably necessary. We are satisfied that the best arrangement which can be made with respect to all the Indians living within our settled frontier, is to remove them without delay. The proposition made by the secretary of war to the military committees of both houses, seems to us to present the best plan which can be adopted for protecting our settlements against Indian depredations. This plan proposes that a military road should be opened from somewhere near St. Peters, on the Mississippi, to Red river. That a cordon of posts should be established along this road, supplied with proper garrisons, and with all the munitions of war, and means of subsistence, necessary for immediate operations. That the dragoons should be kept ranging along it, during all the open season of the year, and that all the garrisons in the Indian frontier, within this line, should be transferred to it as soon as the removal of the Indians from their neighborhood will permit.

From Florida. Tampa, March 20. A letter from captain Hitchcock says—I obtained from Tuck-alustre Har-jo, or Black Dirt, the friendly chief, a list of the Indian chiefs and their forces engaged with general Gaines.

Jumper	30	men.
As-su-ho-la (Powel)	7	
All-bur-tu-har-jo	30	
Jar-har-to Chee	30	
Car-char Tosknusk (Mecosukee)	470	
Me-ca-no-pe (principal chief)	80	
Abram (negro)	80	
Wee-a-Flocko Mattez	70	
Yar-har-hac-jo	160	
Tos Kie-u-car	50	
E-chu a Mattez	50	
Hat How Ematlez	30	
Charles (negro)	3	
Co-a-har-jo	1	
To-par-la-gee	40	
Total	1,131	

A New York paper gives the following anecdote, on the authority of a brother of the officer to whom it relates—

"In the fight between general Clinch's troops and the Seminoles on the *Wythlacoochee*, express directions were given by *Oceola* to his Indians, to avoid shooting lieutenant G———, though leading his men into the front and thickest of the fight—because he and Oceola had been friends, and he had been kind to the 'poor Indian.' The order was strictly obeyed amid chances innumerable for taking off a dangerous enemy—and although finally wounded by a random shot, the gallant youth escaped with life, through the generosity of an Indian foeman.

"As to the 'imaginary insult' over which Oceola is said 'to brood,' it was the pretty positive wrong and insult of being *put in irons* by the United States agent, who had no rightful authority over him. His 'revenge' for that is sated, for it was by his rifle that general *Thompson*, the agent in question, fell,"

From the Jacksonville Courier of the 7th of April.

The three divisions of the army must have met ere this. The consequences we are anxious to learn.

Some invalids who arrived a few days since from Volusia, report that, of seven hundred men belonging to col. Brisbane's regiment, three hundred were unable to proceed on their march, through sickness occasioned by the hardships to which the men were unaccustomed, and the prevalence of the measles among them. Poor fellows! they doubtless find that fighting Indians is not "what it was cracked up to be."

The latest. Darien, April 12. The Dolphin steamer, which arrived here on Saturday morning last, the 9th inst. brought the latest news from these places. There was nothing positively known from the army under Scott and Clinch, since they marched for Wythlacoochee. Two of the Macon volunteers returned to Fort Drane the day after the main body had left that place. They reported that the rear guard was attacked by a large body of Indians, while they were endeavoring to bring up a cart that had broken down, laden with provisions. They said that the army was at the time three or four miles in advance. They considered there was no time to be lost, and taking a horse from a light wagon, both of them got on his back, and galloped back to Fort Drane. While they were making the best of their way from the spot, they saw one of the U. States' soldiers dead. The Indians had dispersed. There was not much attention paid to this at Fort Drane; and the men left that place next day to follow the army. Their statement is, however, very probably, true. There was no force left at Fort Drane, excepting the sick and wounded. What makes the Macon volunteers' representations appear like the truth, is the

fact, that a number of Indians were seen to enter the field near the fort, the same day, and carry off all the horses that were grazing in it. This they did in the face of the small garrison of sick and wounded. We were not able to obtain any thing more of interest from the passengers in the Dolphin.

☞Important news may be daily expected from Florida.—Gen. Scott hoped to have met the Indians in the latter part of last month.

THE SAVINGS BANK OF BALTIMORE.

SIXTH EXTRA DIVIDEND.

The president and directors of *the Savings bank of Baltimore* have this day declared an extra dividend of the profits of its business, for the last three years, amounting to $25,000.

This amount is by law divided to such sums as have been in bank one year or more, in the following proportions:

To sums on deposite for 3 years, an extra dividend of 7½ per ct.
To sums on deposite for 2 years, an extra dividend of 5 per ct.
To sums on deposite for 1 year, an extra dividend of 2½ per ct.

This dividend, added to the regular semi-annual interest of 4 per cent. which is carried to the credit of depositors on the 1st of April and the 1st of October in each year, makes for the last three years 6½ per cent. per annum; and this, without computing the profit of compound interest on the undrawn semi-annual dividends.

Agreeably to the by-laws, the above dividend will be carried to the credit of each depositor, and bear interest as a deposite, from this day, until withdrawn; but payment of the dividend, or of the deposite, will be made on demand, on the day for receiving and paying deposites, which is Monday.

It is to be regretted that many persons, by withdrawing their deposites during the panic of 1834, even where the same were soon after returned, necessarily lost by the withdrawal a considerable portion of the extra dividend, to which they would otherwise have been entitled.

The advantages afforded by *the Savings bank of Baltimore*, will be apparent from a short statement of the accumulation of deposites allowed to remain in bank. Eighteen years are now completed since it commenced operations; every sum remaining in bank for that period,

Of $20, would now be $52 38, which is 162 per cent. or 9 per cent. per annum.

Of $100, would now be $279 10, which is 180 per cent. or 10 per cent. per annum.

Of $500, would now be $1,414 28, which is 182¼ per cent. or 10 1-7 per cent. per annum.

It may be proper here to repeat the remark, that this bank is not intended for men of business; it neither collects notes and bills, nor discounts paper. Its loans are granted only on pledges of stocks, actually transferred, or on mortgages of productive real estate, taken at valuations so low as to preclude, so far as human foresight and caution can avail, the hazard of loss, either by the failure or death of a borrower.

The original object of the bank was to receive and employ the savings of frugal and industrious persons, who have not the opportunity or means of making investments for themselves. This has been constantly kept in view by the directors; and while the profits have exceeded their expectations, *security has been their chief aim.* Of upwards of *two millions of dollars*, which from time to time have been entrusted to their care and management, not a dollar has been lost by any investment; and of *seven hundred and fifty thousand* still so entrusted, which, besides a number of associations for mutual relief, embraces the earnings and savings of more than 2,600 individuals, in very many cases *their all*, in the best judgment of the board, not a dollar is at hazard.

No emolument or advantage, directly or indirectly, can accrue to the directors from an increase of the funds of the bank, as in the administration of its concerns their services are purely benevolent and gratuitous. The bank therefore seeks not deposites on its own account, but on the contrary, refuses them, where it does not appear that some benevolent aid or protection will be afforded the depositor.

The advertisement of the extra dividend has been thought a fit occasion for presenting the aforegoing summary to the perusal and attention of those persons in moderate circumstances, whose sense of obligation to themselves, their families and society, induces them not only to make proper effort for the present support of themselves and those dependent upon them, but also to provide for sickness and old age, and for the wants of their families in case of death. To all such the bank cheerfully continues its services. By order of the board,

JOSEPH CUSHING, *president.*

ARCHIBALD STIRLING, *treasurer.*

April 1, 1836.

List of the directors of the Savings bank of Baltimore.

Samuel I. Donaldson, Jacob Albert, George Decker, Joseph A. Wallace, William Stewart, William Krebs, John Berry, William Carman, Basil S. Elder, William Graham, Francis J. Dallam, Alexander Fridge, George Brown, B. C. Howard, William Heald, William C. Shaw, Samuel Jones, jr. Joseph Todhunter, Elisha N. Browne, John Gibson, James Cheston, Thomas W. Hall, Robert Garrett, Joseph W. Patterson.

"EXPUNGING."

A Washington correspondent of the *Baltimore Patriot* says—

I am reminded, by this allusion, of a case with which I casually met the other day, in looking over the now printed "secret journals of congress." It seems to me most fully to settle the question of precedent, so far as our legislators should be governed by such authority. It shows what was the opinion of this same doctrine of expunging the records of congress, by the first congress that ever sat in our country—a body which promulgated the Declaration of Independence—composed of the contemporaneous elucidators of the first principles of our government. As such, it seems entitled to peculiar weight and influence.

It appears that in 1777, a *lieutenant colonel* of the army in Virginia, was complained against to congress, by *governor Henry*, of that state, for some disrespect, and thereupon congress had passed a resolution declaring that that officer should, within five days after he was notified of the resolution, make a sufficient apology to *governor Henry.* This resolution was, of course, spread upon the journal, and bears date August, 1777. In the mean time, and before the resolution of congress had reached the *colonel*, he had of his own free will, gone forward and made an apology to the governor. Congress being informed of this fact, in May, 1778, a member moved that "*the resolution of August*, 1777, *be* EXPUNGED *from the journal,*" No record exists of the debates that took place at that time, but we may judge as to what they must have been by the proceedings. As soon as that motion was made, another member moved to amend it by substituting two resolutions. The first of these expressed it, as the opinion of congress, that the conduct of the officer had entirely reinstated him in his former position, and that he stood, and deserved to stand, *precisely where he did before the passage of that resolution.* The second provided *that the said resolution should not be published with the rest of the journal*, which was contemporaneously printed, I believe, every week. THESE RESOLUTIONS PASSED AS A SUBSTITUTE FOR THE "EXPUNGING" RESOLUTION BY A LARGE VOTE; *and it is observable that all the Virginian delegation voted for them!* I beg Mr. *Rives'* particular attention to this fact—if this falls under his eye—for it is a *Virginian precedent;* it originated in the "Old Dominion;" the *colonel* was a valued officer (now living, I believe) of that state; it was *Patrick Henry* who complained to congress, and it was by Virginian votes that it was decided that though congress could do every thing else that was necessary to wipe out an undeserved stigma inflicted by itself, ☞IT COULD NOT EXPUNGE ITS OWN JOURNALS.☜ Are the "children of this generation wiser than the children of light?" O.

EXPLORING EXPEDITION.

The committee on naval affairs in the senate have reported a bill directing an exploring expedition to the Pacific ocean and South seas, and authorising the president to send out a sloop of war for that purpose, together with such smaller vessels as may be required. In showing the importance of such an expedition, the committee say—

No part of the commerce of this country is more important than that which is carried on in the Pacific ocean. It is large in amount. Not less than $12,000,000 of capital are invested in and actively employed by one branch of the whale fishery alone; and in the whole trade there is, directly and indirectly, involved not less than fifty to seventy millions of property. In like manner from 170 to 200,000 tons of our shipping, and from 9 to 12,000 of our seamen are employed, amounting to about one-tenth of the whole navigation of the union. Its results are profitable. It is, to a great extent, not a mere exchange of commodities, but the creation of wealth, by labor, from the ocean. The fisheries alone produce, at this time, an annual income of from five to six millions of dollars; and it is not possible to look at Nantucket, New Bedford, New London, Sag Harbor, and a large number of other districts upon our northern coasts, without the deep conviction that it is an employment alike beneficial to the moral, political and commercial interests of our fellow-citizens.

It is a nursery for seamen for which no substitute can be found; eminently fitted to form precisely such men as the nation requires for times of trial and struggle. The voyages are long, every climate is encountered; every sea, calm or tempestuous, is traversed, and a discipline and subordination enforced, which create a class of men unsurpassed, if they are equalled, by any who have ever made the ocean their dwelling-place. They are adventurous and persevering—hardened by toil and danger—bold, watchful and skilful. If the encouragement and protection of government should be extended to any portion of our citizens, these have claims which cannot be overlooked. It is to this view of the subject that the committee on naval affairs have directed their most anxious attention.

The commerce of the Pacific may be greatly extended in all its departments. Of the rapidity of its growth there is abundant evidence in the records of the departments of our government, and the theatre for its enlargement is most ample; but it requires aid and encouragement.

No part of our commerce is so much exposed to hazard and peril. That portion of the globe is less known, and the ocean more filled with dangers than any other that our seamen visit. There are hundreds of islands, reefs and shoals, unmarked upon any chart, and unknown to common navigators. Their location, situation, facilities for commerce, are yet to be explored and exhibited to the world. Many of those islands are inhabited by savages, who render access to them dangerous, and whom it is the duty of the government to conciliate. The loss of property and life in that region has been immense. The

committee refer to the accompanying documents to illustrate some of the facts upon these points; and they do not hesitate to believe that an examination of them will satisfy the senate of the policy and necessity of the measure which they propose. [*Anon.*

MR. HARRISON'S REPORT ON RECLAIMING THE INUNDATED LANDS.

From the Globe.

Mr. Harrison, of Missouri, reported a resolution from the committee on the public lands relative to the inundated country of the Mississippi, accompanied by a long and interesting report, evincing great labor and investigation.

This is a new subject, of great immediate interest to the valley of the Mississippi, and more remotely, but not less eventually, to the whole union. The alluvial soil on the great western river is of such inexhaustible fertility, that it must teem with population and the richest products, as soon as the annual inundation is arrested. The success which has attended the mode of redeeming the soil in Louisiana by *levees*, shows that it requires only the fiat of the government to rescue the whole upper region of the river from its floods.

Mr. H. is entitled to the thanks of the people in the whole valley, and especially of the people of his own state, who are so deeply concerned in the subject. We do not think the calculations made by Mr. H. both as to the cost of the work and quantity of land that may be reclaimed, at all extravagant. In saying this, we mean the *increased* amount which Mr. H. invariably adds to his estimate of costs for reclaiming them, and the *diminished* quantity which he assumes as correct, when taken from the *estimated* quantity subject to inundation.

But, if the government will do nothing in the matter, we concur with the sentiments of the report, that the government is bound to give these lands to the states in which they are situated. The third of a century has passed away, and nothing has been done towards the accomplishment of this object. It is time for the government to act in the matter, or give the lands to those who will. Mr. H. has presented the subject in such a definite form, that we hope to see the sense of congress tested on it. It is a grand design, and worthy of national support. Let competent engineers, as Mr. H's resolution proposes, be appointed to survey the country; and if congress should think, after their report is made, that it is impracticable to reclaim these lands, then give them to the states in which they lie, or to any body that will take them who will agree to undertake the work.

Although all have felt and have been willing to acknowledge the importance of reclaiming this country from the overflows of the Mississippi, yet none but Mr. H. has attempted to investigate the practicability of doing it, and of bringing together and condensing in some systematic form the necessary information to induce congress to move in the matter. And should the work be undertaken, and accomplished to any useful extent he will be entitled to, and will, no doubt, receive the gratitude of all who take an interest in it.

The following extracts show the conclusions which Mr. Harrison brings his calculations on the subject:

"The aggregate quantity of inundated land on the Mississippi, according to the estimates he has presented, is 23,469,260 acres; to ascertain how much of this belongs to the United States, the amount owned by individuals should be deducted, which cannot be said, upon a fair calculation, to exceed one million. Although we are inclined to think actual surveys would show that we are not very far wrong in the aggregate calculation just submitted, yet, for the purpose of bringing our estimate within limits which no reflecting mind can controvert, we will deduct one-half, upon the supposition that the calculation is too great, and on the conviction that a considerable quantity of these inundated lands will prove to be, upon experiment, wholly irreclaimable. This will leave the quantity of 11,234,630 acres of land that can be redeemed from it present worthless state.

"The quality of this land is the finest on the habitable globe; the rich and fertile lands of the Nile do not excel it; and if we take into view its great extent, the variety of climate, and the great variety of staple articles which it may produce, we may safely say that there is not an equal extent of land in the known world that can vie with it for fertility of soil and the variety of its productions. Extending from the northern line of the state of Missouri to the southern extremity of Louisiana, every species of produce which can be raised within this range of latitude will be the rich return of the farmer and the planter, it is the opinion of your committee that the United States do not own any lands as valuable as these would be if reclaimed; independently of the fertility of the soil, their contiguity to the Mississippi river, and adaptation to such a variety of important staples, give them a value that can scarcely be properly estimated. Wheat, hemp, tobacco, cotton, sugar, rice and indigo, are the principal of these staples, and will abundantly repay the farmer and planter for his industry and labor. As the importance of the commodity enhances the value of the land, and as the most important articles to commerce and manufactures are exclusively produced on such lands as these, your committee do not hesitate to fix the minimum value of these lands at five dollars per acre. According to this computation, the quantity which we have assumed as entirely practicable to reclaim, will bring the sum of $56,173,150; the whole cost of reclaiming, according to the calculations submitted, will amount to the sum of $2,267,000, an amount which your committee are willing to double, as being altogether sufficient to cover every expense that may be necessary for the completion of the work; this will leave a balance in favor of the government of $51,353,000. But, on considering every circumstance connected with these lands, your committee are willing to express it as their opinion, that they will bring to the government a net amount of at least a hundred millions, when put up at public auction."

CONGRESSIONAL LIBRARY.

In senate, March 15, 1836.

Mr. *Preston* made the following report:

The committee on the library, to whom was referred the following resolution: "Resolved, That the committee on the library, be instructed to inquire into the expediency of purchasing the library of the late count Boutourlin, at Florence, for the library of congress," report:

That, in investigating the propriety of making so large an addition to the library as that contemplated in the inquiry referred to them, the committee thought it advisable to look into the progress and present condition of the library, and to lay before the senate some general statements concerning them.

In the act of 24th March, 1800, making provision for the removal and accommodation of the government of the United States, the sum of 5,000 dollars was appropriated for the purchase of such books as may be necessary for the use of congress at the city of Washington, for fitting up a suitable apartment for containing them, and for placing them therein. It was also provided that the purchase of books should be made under the direction of a joint committee of the two houses, and when purchased, should be deposited in a suitable apartment in the capitol, for the use of both houses of congress and the members thereof, according to such regulations as said committee shall devise and establish.

By the act of January 26th, 1802, the books purchased in performance of the above act, and also the books and libraries which had previously been kept separately by each house, were directed to be placed in a common room. The speaker of the house and president of the senate were authorised to make regulations for the library. The office and salary of a librarian was established, and the funds appropriated, or to be appropriated, were put under the control of a joint committee of three from each house.

On the 20th January, 1806, there was a report of the committee on a resolution of the 5th December preceding, directing whether further appropriations ought not to be made for the augmentation of the congressional library.

The utter insufficiency of the library is strongly set forth in the report; and, therefore, congress appropriated 1,000 dollars a year, for five years, to be expended under the direction of the joint committee.

In 1811, this act was continued for five years longer.

Such was the care which had been extended to the library, up to 1814, when, in August of that year, it was utterly destroyed by the British troops, then in possession of Washington.—The autumn after this event, Mr. Jefferson proposed to sell his library to congress, stating, in his letter making the proposition, that it had been carefully collected, and at great expense, and giving a succinct account of its extent and character. The committee on the library brought his proposition before congress, whereupon, it was "resolved, that the joint library committee of the two houses of congress be, and they are hereby, empowered to contract, on their part, for the purchase of the library of Mr. Jefferson, late president of the United States, for the use of both houses of congress."

In pursuance of this resolution, the committee concluded the purchase of 6,487 volumes, at the price of 23,950 dollars, being somewhat more than three dollars and a half a volume. Of the books, 856 were in folio, 890 4to, 2,800 8vo, and 1,873 12mo; and, as a whole, it was an extremely miscellaneous collection. Mr. Jefferson, in his letter to Mr. Smith, says of it, that "it is rich in American history, and in writings which relate to the duties of those in high concerns; that it contained much of what was rare and valuable in every science;" and he very wisely and pointedly adds, "I do not know that it contains any branch of science which congress would exclude from its collection. There is, in fact, no subject to which a member of congress may not have occasion to refer."

Since this purchase, congress has annually appropriated sums varying from one to five thousand dollars for the general library, besides 5,000 dollars in 1832, and 1,000 dollars for five successive years, for the purchase of law books, making in all, since the destruction of the library in 1814, 99,950 dollars.

The whole number of volumes, in the library, exclusive of congressional documents, and the laws of the United States, is about 24,000, so that the library, thus far, has cost about four dollars a volume.

There are about 6,000 volumes in other languages than English, of which 4,083 are in French, 844 in Latin, 314 in Spanish, 268 in Italian, 281 in Greek and Latin, 66 in Greek, 29 in Chinese, 13 in Saxon, 12 in German, and 52 in all other languages, ancient and modern. In the additions which the joint committee have purchased with the annual appropriations made to the library, they seem to have been governed by the practical declaration of its intentions, made by congress in the purchase of Mr. Jefferson's library. They had to build it up on this most various and miscellaneous foundation, and in the absence of any specific instructions in regard to its character,

(while they have had a special view to the peculiar wants of congress), have made additions to the original stock in all the branches of general science and literature. The primary object in instituting the library unquestionably was, to afford to members of congress the means of knowledge necessary for the intelligent discharge of their official business. It is very difficult to prescribe bounds to the demands which may be made for books in every branch of learning, by the multifarious subjects brought before congress and its committees. There is no subject, Mr. Jefferson says, "to which a member of congress may not have occasion to refer." The absolute necessity of congress suggested the library; the utility of extending it beyond actual necessities early became apparent, and erecting an institution upon these foundations, it was competent to congress to extend and adorn it in reference to the dignity and opulence of the government. As it was manifestly proper that, in the erection of the public buildings, vastness and elegance should be united with utility and comfort, so these qualities may be fitly consulted in whatever is required to be done for the use and accommodation of the government. The public buildings have been erected at a cost of six millions, and in many instances with an elaborate display of architectural ornament, intended to gratify, and, perhaps, to improve the public taste, or to indulge a just national pride. With the same feelings congress has not hesitated to make requisitions upon the arts of sculpture and painting. This enlightened and liberal regard to the gratification of the tastes and elegant improvement of the country, though made secondary by the nature of the government to other objects, is not without great importance. It is not a substantive power of congress to furnish means of knowledge, or models of taste, but, in the necessary and proper arrangements of its establishment, they may, and ought to be, so extended or modified as to contribute to both these objects. A library is necessary: that it should have a degree of completeness and elegance, is as proper as that the shafts of the columns around the halls should be polished or surmounted by a capital; and the remark applies with greater force to the library, not only on account of the superior value of learning, but on account also of the great destitution of the means of knowledge in a country so new as the United States.

In all the public libraries of the United States, including those of schools and colleges, throughout our wide territory, and counting all the duplicates, there are not as many books as are contained in the bibliotheque du roi, in Paris. It is a very large calculation to estimate all our libraries at 400,000 volumes, and of these there are not more than 50,000 distinct works. In Paris there are 1,200,000 books deposited in public libraries, and in all France 4,200,000. In Germany the reading public is still more liberally provided with books. The whole number of printed volumes of distinct works in the world may be estimated at 600,000; of these there is certainly not more than one-tenth in the United States. Our whole body of literature, if collected in one place, would not afford the means of investigating one point of science or literature through all or even a considerable portion of what has been written on it. Here, where the foundations of the government repose upon the aggregate intelligence of the citizens, the assistance afforded by public institutions to the exertions of intellect, is but one-tenth of that within the reach of the mind of civilized Europe.

Besides private libraries of much greater extent than the greatest public collections in this country, there are in many of the German towns collections of from one hundred to two hundred and fifty thousand. The number of books in public libraries in Germany are to the population as one to ten; in the United States as one to forty; and this disparity is still more striking if we compare the means of knowledge within the reach of the functionaries of this government with those which are furnished at the principal capitals of Europe.

London and Paris, of course, are replete with means of knowledge, which would require much time even to enumerate; but it may be stated that there are in the British museum, besides its rich and vast collections of art, 180,000 volumes and 60,000 manuscripts.

The royal library in Paris has between 400,000 and 500,000; royal library at Berlin, 200,000; imperial library at Petersburg, 300,000; imperial library at Vienna, 300,000; the Vatican, 400,000, print and manuscript; at Stuttgard, 120,000; at Copenhagen, 250,000. In short, it would not be going too far to say that there is not a government in Europe, down to its principalities and dukedoms, which has not provided its functionaries with more ample means of useful and elegant knowledge than ours. We do not, however, ascertain our wants merely by a comparison with the abundance of other governments. The experience of members of congress has taught them how often their inquiries are arrested by the want of books. No day elapses, during the session of congress, that there is not a call for many volumes which cannot be furnished. On a recent occasion the senate's committee on the judiciary, in the investigation of an important question respecting the boundary of a state, was compelled to borrow the necessary materials from colleges and societies at a distance from the seat of government.

Whether it be proper for congress to remedy in some degree these defects, by the purchase of the library of the late count Bontourlin, at Florence, is the immediate subject of the committee's consideration; and they are not without difficulty in coming to a satisfactory conclusion. This collection consists of 25,000 volumes, of which a catalogue has been before the committee, and other information in regard to it has been furnished by an intelligent and public-spirited gentleman, lately of the house of representatives. The collection was made under the most favorable possible auspices, during the French war, in Italy, when the monasteries and all the depositaries of art and literature were thrown open to the plunder of invading troops, or exposed to the purchase or acquisition of public agents or wealthy private collectors. To this last class belonged the count Bontourlin. At the price of a million of francs, and with many years of enthusiastic industry, he made the present collection, which is perhaps richer and more valuable in its kind than any which is now or can be expected to be hereafter on sale in the world. It is especially rich in that species of literature which can be scarcely said to exist in this country, for neither the library of congress nor any of the public or private libraries of the United States possess any thing in bibliography beyond an occasional specimen; or of that noble literature, (the whole body of which is contained in this collection), which was the first that came into existence upon the revival of learning, awakening the genius of modern Europe, and inspiring new views of literature, from Chaucer to Milton.

The catalogue presents a complete collection of the Italian classics, as designated as such by the academy Della Crusca; a collection so complete as perhaps to leave nothing to be added. It contains also a very full collection of the ancient, especially the Latin classics, leaving little more to be desired in this department. There are 419 copies of Aldine editions, 368 from the Bodoin press, many hundred volumes printed in the fifteenth century, and many others illustrative of the early achievements of typography and its progress to perfection.

The library also contains many valuable manuscripts. In the preface to the catalogue it is said that there are "very few private libraries which present such a collection of valuable books, as well manuscript as printed, and in such perfect preservation;" and less questionable testimony is given to the same effect by the gentleman above referred to. After an attentive examination, and writing from the spot, he says, "it contains about twenty-five thousand printed volumes, embracing the earliest and richest specimens of the Greek and Latin classics that were issued from any press, the Aldine and other celebrated editions, and upward of 240 manuscripts, some of them unique, most of them scarce and curious. It is most complete in those departments in which the library of congress is most deficient, particularly the ancient authors, belles lettres, literary history, the fine arts, and the standard productions of France and Italy. After a careful examination of the books and catalogue, I have no hesitation in saying, so far as my opinion have any weight, that the collection is a most desirable one of its kind, and would be a valuable addition to the library of congress."

The 25,000 volumes are offered at fifty or sixty thousand dollars. The 24,000 now in the library have cost one hundred thousand dollars, and it will always happen that books purchased by retail will cost a great deal more than when purchased in large collections. In the collection of this library, the committee is informed by Mr. Wilde, the founder expended a million of francs upon it, or near $250,000. If it be the pleasure of congress to add this collection to its library, the whole number of volumes will be about fifty thousand, and of them about one-half will be in our own language, and the others in foreign, ancient and modern languages. It will add several thousand duplicates in French, Spanish, Italian and Latin, which might either be sold without loss or exchanged for works in English.

The number of works in foreign languages would form an insuperable objection to the purchase if it was intended that the library should be completed by it; but this committee by no means believe to be the intention of congress, and when the collection shall consist of 100,000 or 150,000 volumes, 30,000 or 40,000 in foreign languages may not be an undue proportion when it is considered that not a fourth of the literature of the world is in our own language; still, however, this purchase will unquestionably give, for the present, an undue proportion to the literature of the Italian language over that of other foreign languages, especially the French and German. In the German language the library contains, at present, twelve works, and the proposed purchase makes but inconsiderable additions to them; and the number of books in the French language, whose literature is more extensive than that of any other, and the knowledge of which is more extensively diffused, is left entirely too small.

In Latin, Greek and Italian, the Bontourlin library would make the collection complete, and would add very considerably to the French and Spanish. It would make, with the library now owned by congress, about 50,000 volumes, of which 20,000 would be in English, 10,000 in French, 20,000 in Greek and Latin, Italian and Spanish, with a few German. The collection in Greek, Latin, Italian and Spanish, might be considered complete. Future additions would be necessary in English, French and German. If it be the purpose of congress to extend the library to 100,000 or 150,000 volumes, the committee think the proposed purchase is very desirable; and believing that such ought to be and is the intention, the committee recommend the following resolution:

Resolved, That the joint library committee of the two houses of congress be, and they are hereby empowered to contract, on their part, for the purchase of the library of the late count Bontourlin, at Florence.

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 9—VOL. XIV.] BALTIMORE, APRIL 30, 1836. [VOL. L. WHOLE No. 1,284

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

A valuable report from the secretary of war is inserted in the present sheet—and a report, of a similar character, concerning the navy, shall also have a place speedily.

—

Mr. *Clay* made a brilliant and powerful effort on Tuesday last in favor of his great land bill, and on Wednesday it was ordered to a third reading, 25 to 21, in the senate. This is, probably, the last important act of his public life—for we learn that he is about to retire from his seat in congress; and to have adjusted and carried through this imposing question, with its beneficent results, (the effects of which will, probably, be happily felt for years to come), is, indeed, "glory enough" for one man.

—

Pending the discussion on the land bill, before the U. States senate, Mr. *Clay* made the following statements relative to the population of the new states, to show their annual increase between the years 1820 and 1830:

Illinois (he said) had increased eighteen and a half per cent. per annum; Alabama, fourteen; Indiana, thirteen and a third; Missouri, eleven; Mississippi, upwards of eight; Ohio, six, and Louisiana, four per cent. per annum; whereas, Delaware had increased but a half per cent. per annum. The average rate of increase of the whole population of the United States during that period was about thirty-two per cent. which was exceeded by Illinois at the average rate of one hundred and fifty-three per cent. (her average being one hundred and eighty-five per cent.) and by Alabama one hundred per cent. and by Louisiana, the lowest, eight per cent. The average of the seventeen old states was twenty-five per cent. and the new states, sixty per cent. more than that amount.

—

The St. Louis Bulletin of the 11th instant states that in the course of the preceding week upwards of five thousand emigrants and strangers landed in that city.

—

The ice bridge at Quebec continued firm at last accounts, (April 14th), and it is supposed would remain so to the 1st, if not till the 10th May. There is at present more ice in Lake Erie than has been known at this season, in twenty years. The upper end of the lake is entirely closed. [*N. Y. Com. Ad.*

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The Montreal Gazette of Thursday, April 14th, states that large quantities of snow fell the preceding day, and on that morning it lay several inches deep on the ground. The roads across the river still continue to be used by the farmers from the opposite shore.

—

The banks of Cincinnati have come to the conclusion *not* to receive the notes of any of the banks *out* of that city. This, as it is stated in the Cincinnati Whig, causes the paper of other banks to be from 1 to 5 per cent. below par, which presents a "glorious" harvest for the brokers.

—

The surplus money in the deposite banks continues to increase. By the latest returns, according to a report of the secretary of the treasury to the senate, the amount in the affiliated banks to the credit of the treasurer of the United States was $33,294,024 and the amount to the credit of public officers $3,477,252; making a total amount of public money of thirty-six million seven hundred and seventy-one thousand dollars in the deposite banks, subject to the absolute and uncontrolled pleasure of the president of the United States as to the particular banks who shall enjoy the advantages of these deposites, the amount of which in some instances far exceeds the whole capital of the bank. [*Nat. Intel.*

—

THE LAND BILL. Mr. *Clay* addressed the senate yesterday in support of this great measure—the bill to distribute among the several states the net proceeds of the sales of the public lands. We thought, after hearing the able and comprehensive arguments of Messrs. *Ewing*, *Southard* and *White*, in favor of this beneficent measure, that the subject was exhausted; that, at any rate, but little new could be urged in its defence. Mr. *Clay*, however, in one of the most luminous and forcible arguments which we have ever heard him deliver, placed the subject in new lights, and gave to it new claims to favor. He was not only strong and eloquent, as he ever is, but he was clear and perspicuous in the most complex parts of his argument. Indeed, the whole train of his reasoning appeared to us a series of demonstrations; and we cannot conceive how any mind open to conviction could have listened to it unconvinced.

A large portion of the members of the other house, we were glad for their own sakes, were present during the whole speech; and the galleries were crowded to excess by great numbers of ladies as well as gentlemen.

[*National Intelligencer of Wednesday.*

The reporter for the *Baltimore Chronicle*, in reference to the same subject, says—

Mr. *Clay* then addressed the senate, although suffering under considerable indisposition, and spoke the whole of the afternoon. He went over the whole ground, which he has gone over before and enforced his remarks by new facts and illustrations. At about 3 o'clock he expressed a doubt whether his strength would suffice to carry him through the fatigue. Many senators showed a disposition to move an adjournment, but he emphatically cried out "no—no—I will get through or die." He went on about half an hour longer, when he concluded, after speaking about two hours and forty minutes.

—

It is supposed that the sales of land, in Michigan, alone, will amount to three millions of dollars, in the present year—1836.

—

The National Intelligencer of Monday says—

A resolution introduced by Mr. *Benton*, to require payments for the public land to be made hereafter in *specie*, gave rise to an animated debate in the senate on Saturday, which had not terminated at the hour of adjournment, and may therefore be continued to-day. Besides the question presented by the resolution, which is of itself one of very deep interest to the western states, and to all the future purchasers of public lands, the debate extended to the merits of the fatal vetoes and other executive experiments on the finances of the country, which added importance as well as interest to the discussion. We shall endeavor to give the debate at an early day.

—

THE COURSE OF TRADE. Under this caption the editor of the Cincinnati Gazette states that the canal and lake communication with New York, from the Ohio river, and all its contiguous country, is beginning to lessen in importance. The course of the seasons and the distance combine to place this channel of business behind the more direct one already open from Philadelphia to Pittsburgh. It is added that a great proportion of the goods purchased in New York, this season, by western merchants, have found their way to their destination by way of Philadelphia and Baltimore. Goods have also been shipped for Chicago, on the lakes, by way of New Orleans, the Mississippi, Ohio and Illinois rivers. It cannot fail to be obvious to every one that the completion of a rail road from Baltimore to the Ohio river must change all this. Not a bale of goods will be subjected to the expense, risk and delay of a transportation of thousands of miles, when it can be conveyed to the store of the purchaser in less than so many hundreds.

—

Albany, (N. Y.) April 23. The bill loaning the credit of the state for three millions of dollars to the New York and Erie rail road company has become a law. We congratulate the stockholders of this company, as well as the citizens of the sequestered counties through which this road is to pass, upon a result so auspicious to their hopes, and from which we trust all their anticipations of public and personal advantage may be realized.

We have not been, as our readers may recollect, among the advocates of rail roads as a general means of improvements. Nor are we even yet convinced that they will meet the expectation of their friends. But the system has grown into general favor, and it will be brought to the "test of scrutiny and of time."

We are entirely satisfied that the New York and Erie rail road will be constructed. Indeed, it is already in the progress of construction, and will be prosecuted with all the diligence and alacrity that can be secured by enterprise and liberality. [*Ev. Journal.*

Texas. The Charleston Southern Patriot, commenting on the evils of the present system of disposing of the public lands, thus illustrates one of the objections:

"Another ill effect of these monopoly practices is, that government becomes embroiled with foreign countries, whose territory is contiguous to our own. The contest now waging in Texas is a case in point. *The standard of independence in that country has been raised for the benefit of land speculators,* who thus turn the enthusiasm of our youth for liberty and for the excitement of arms to their own account. The names of freedom and independence are prostituted to selfish ends, and the adventurous and enterprising, instead of pursuing the ordinary paths of industry, are led off into wild schemes for the sudden acquisition of wealth, but which are likely to terminate in disappointment, if not in ruin and ignominious death."

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From the *National Intelligencer* of yesterday—

We copy from the government paper of yesterday a treaty with the republic of *Mexico*, the ratifications of which, it appears, were exchanged no longer ago than the 20th instant. The object of this treaty is to revive an obsolete provision in the treaty negotiated with Mexico in 1828, and ratified in 1832, for ascertaining and marking the boundary line between the territory of Mexico (Texas in part) and the United States. Each party is to appoint a commissioner and surveyor for that purpose, and both governments solemnly engage to provide any force that may be necessary to protect the commissioners and surveyors in carrying the object of the treaty into effect.

It is a remarkable circumstance that the ratifications of this renewal of a treaty of limits—this solemn pledge of amity, with MEXICO, should be exchanged at the very moment when friends of the administration, aye, and pretty high officers under the government too, are arming bodies of men, and encouraging them to march into the very territory which the government is by treaty recognising as within the undoubted limits of Mexico.

[☞We do not think it necessary to insert this supplementary treaty. Its sole purpose is described in the preceding.]

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Treasury department, comptroller's office, 19th Nov. 1822.

Sir: I have received your letter of the 8th instant, stating that different opinions had lately been expressed as to the construction of the 47th section of the collection law of 2d March, 1799; that is to say whether goods of the growth, produce or manufacture of the United States exported and sold in a foreign country, and afterwards imported into the United States, still preserve their original character, and can thus be imported free of duty; or whether they ought, after such sale in a foreign country, to be considered as foreign stock and subject to duty accordingly.

In reply, I have to observe that when such goods are exported from the United States and brought back without having been sold in a foreign country they are considered to be entitled to the exemption provided for in the 47th section of the act referred to, but when an actual sale of the goods is made in a foreign country, such goods must be considered as becoming amalgamated with the general mass of property of such country, and on being imported into the United States can no longer claim the exemption in question, but must be regarded in the light of foreign goods and subjected to duty accordingly. Respectfully, Signed JOS. ANDERSON, *comptroller.*

Peter Sailby, esq. collector, Champlain.

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GRANDILOQUENCE! The writer of a letter published in the *Richmond Enquirer*, speaks as follows:

Dinwiddie Court House, April 18.

"*Dear sir*: The election in this county took place today, and we are happy to inform you of its result, which we do while the last knell of *white-washed whigism* is yet sounding in our ears. Democracy has firmly clung together; *not one* has deserted the faith or departed from the post of duty. Yes! we have triumphantly carried the day "in this fiercely fought field," (where we have been so often vanquished), against this indefatigable Protean band of whig spirits, who have assumed the variegated hues of blue, grey, black and white, any thing and every thing to accomplish our defeat. *But the conquering wave of democracy has rolled over old Dinwiddie, "wave by wave,* CATARACT *after* CATARACT," until the heresies which were permitted once to taint her fair and earthly faith, are emphatically *bleached,* RESCINDED, EXPUNGED. The polls closed thus:

Alfred J. Vaughan	319
Edward Johnson	243
Majority	76

The whole number of votes are less than half the number that are given at a *ward* election in Baltimore! "*Cataract after cataract*" indeed!

A North Carolina paper calls Virginia a *Dutch colony,* supposing her to belong to Van Buren. But, says the Richmond Whig—"Wait awhile, friend. You will repent the sneer in November."

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VIRGINIA. The elections are now all over, but the returns and particulars are not stated: nor is it certainly known which party has succeeded in obtaining a majority in the house of delegates, or a majority of the voters. It will, however, be a close election. The administration papers, so far, claim a majority of *two,* and say that parties stand 38 to 36; whereas the whig papers claim 41 whigs and 37 for "Van Buren."

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RHODE ISLAND ELECTION. *John B. Francis,* (anti-masonic and Van Buren), has been elected governor of Rhode Island, by a majority of more than 800 votes, over *Tristam Burges,* whig. A majority of both branches of the legislature were chosen of the same politics as the governor.

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Lowell. The late election for mayor of this city was very animated. The administration candidate was Mr. Postmaster Case. The vote thrown was the largest ever given in that place. Whole number 1,845—Bartlett (whig) 958—Case (administration) 867—Scattering 20, all whig. Bartlett's majority over Case 91. Entire whig vote 978—administration do. 867. Whig majority in the city 111.

The entire whig ticket for aldermen and common council was elected.

The whole vote given in Lowell last fall was 1,605—Everett 838—Morton 767. Increased vote over last fall's 240.

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CONNECTICUT. According to the official return, gov. Edward's majority over Gideon Tomlinson, (whig), in the state, is 2,646. Whittlesey, the Van Buren candidate for congress, has a majority of 3,348 over Mr. Booth.

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The mail from Washington to New York now starts from the former at 3 o'clock, P. M. arrives at the latter at 11 o'clock, P. M. This is a sufficient rapidity of motion.

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On Sunday morning last, *R. Henry* esq. consul of France for Baltimore, was found dead in his chamber, suspended by the neck from the tester of the bed, by means of a handkerchief. It appears from the examination made by the jury of inquest, that a first attempt to put an end to his life failed in consequence of the breaking of the handkerchief with which he had endeavored to hang himself, and that a second handkerchief was used before he succeeded in his fatal purpose.

He had been, for some time, under great depression of spirits.

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Potomac fisheries. It is estimated that not less than three hundred wagons were in town yesterday morning at one time, for fish. They met with ready sale and good prices for the produce brought in, and procured their supplies in fine order and at comparatively low rates. [*Alex. Gaz.*

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Employments of females. The great variety of neat and profitable employments in which girls and young women in this part of the country, can now engage, renders it extremely difficult to procure good family help, or hire females at all, without giving prices comparatively high. The girls employed in the cotton and woollen factories in this town, though kept at work too many hours, are well paid for their labor. An overseer of one of the Newton factories informed us, a short time since, that two or three skilful weavers in his town made about five dollars per week beside their board, and many others averaged three and four dollars. The manufacture of silk in this town, will be principally performed by females.

[*Dedham Patriot.*

[This "employment of females" is one of the secrets of the wealth of New England—and the girls are much the better for it.]

FOREIGN NEWS.

London dates of the 17th March.

The Carlow election committee had reported, exonerating Mr. O'Connell from the charges brought against him.

The prince consort of Portugal had arrived in London.

The citadel at Plymouth had been destroyed by fire; the town major and his two daughters perished in the flames.

A diplomatic envoy is said to have been despatched to Cracow, by the British government to report on the recent military occupation of that city by the Russians, Austrians and Prussians.

In the French chamber of deputies the motion for a political amnesty, in favor of prince Polignac and his fellow prisoners, was lost by a large majority, on the ground that it is the prerogative of the king to originate acts of mercy.

The king of Prussia is said to be laboring under a species of insanity.

It was supposed in Paris that the royal clemency would soon be extended to the prisoners at Ham. A remark made by the minister of justice in the course of the debate on the motion for a political amnesty, was thought to be confirmatory of the prevalent opinion.

The elections in Spain were resulting strongly in favor of the ultra-liberals. The popularity of M. Mendizabal was still on the increase.

Nogueras, the commandant-general of Lower Arragon, is said to have been removed from his command, as a punishment for his cruelty in ordering the mother of Cabrera to be shot. This is said to have been done in consequence of the spirited remonstrances of the British minister. It is reported from Bayonne that the chief command of the royalist army is to be taken from Cordova and given once again to general Mina.

From the Liverpool correspondent of the New York Star.

You doubt the accuracy of my notions of the peculiar morality of the English aristocracy. Take a new instance:—Last month, a case of crim. con. came in the court of king's bench. Lord Langford brought an action for damage against Mr. Barrett, a tutor in his family. It was proved that his lordship had *encouraged* Barrett's seduction of lady Langford—connived at his own infamy, and offered him a *post obit* of £10,000 if he would allow damages in this case to go by default; as his lordship wanted a divorce from my lady! The jury gave one shilling damages; but the house of lords will not pass any divorce bill in a case of such shameless profligacy.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

April 22. Mr. *Shepley* presented sundry resolutions adopted by the legislature of Maine, instructing the senators from that state to urge the adoption of an amendment of the constitution in relation to the election of president and vice president, the granting of liberal appropriations for the purpose of national defence, and the passage of measures to protect the state of Maine against foreign aggression. The resolutions were ordered to be printed.

Mr. *Tomlinson*, from the committee on pensions, reported, without amendment, a bill for the relief of Thankful Randall, recommending that it be rejected.

The bill for the relief of W. Bond and W. Douglass was taken up on the question of its passage, when a discussion took place, in which Messrs. *Hill, Clay, Shepley, Leigh, Calhoun, White, Walker, Buchanan, King*, of Ala. *Davis, Hubbard* and *Prentiss* took part; when the question was taken on the passage of the bill, by yeas and decided as follows:

YEAS—Messrs. Crittenden, Davis, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Preston, Rives, Robbins, Shepley, Southard, Tomlinson, Webster, White—22.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Clay, Cuthbert, Ewing, of Ohio, Grundy, Hill, King, of Alab. King, of Georgia, Morris, Niles, Prentiss, Robinson, Ruggles, Swift, Tipton, Walker, Wright—21.

So the bill was passed.

Mr. *Benton* submitted the following resolution; which lies over for consideration:

Resolved, That, from and after the — day of ——, in the year 1836, nothing but gold and silver coin ought to be received in payment for the public lands; and that the committee on public lands be instructed to report a bill accordingly.

The senate proceeded to consider the bill to appropriate the proceeds of the public lands, and granting lands to certain states.

The question being on Mr. *Walker's* amendment,

Mr. *Walker* addressed the senate at length in reply to the remarks made yesterday by Mr. *Clay*.

The question was then taken on the adoption of his amendment, and decided by yeas and nays, as follows:

YEAS—Messrs. Benton, Black, King, of Alabama, Moore, Morris, Nicholas, Robinson, Ruggles, Walker—9.

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Ewing, of Ohio, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, Leigh, McKean, Naudain, Niles, Porter, Prentiss, Robbins, Shepley, Southard, Swift, Tomlinson, Wall, White—26.

So the amendment was rejected.

On motion of Mr. *Ewing*, the senate adjourned until to-morrow.

April 23. Mr. *Southard* presented the petition of the corporation of Princeton college, which he advocated in especial reference to the losses suffered by that institution during the revolution.

Other matters being attended to—

The resolution of Mr. *Benton*, for a law requiring all payments for the public lands to be made in specie, was taken up and considered.

After a debate, in which Messrs. *Benton, Webster, Niles, Ewing*, of Ohio, and *Calhoun* took part,

Mr. *King*, of Alabama, moved to amend the resolution, by striking out all after "Resolved," and inserting, "that the committee on finance be instructed to inquire into the expediency of prohibiting the receipt, in payment for the public lands, of any thing but gold and silver, after the — day of ——," thus changing the character of the resolution from that of an order to bring in a bill to one of mere inquiry as to the expediency of doing so.

The discussion was then further continued by Messrs. *Shepley, Mangum, Calhoun* and *Porter;* and before any question was taken, on motion of Mr. *Moore*, the senate adjourned.

April 25. Mr. *Buchanan* presented a petition from the society of Friends in Philadelphia, on the presentation of which he addressed the senate to the following effect:

Mr. *Buchanan* said he rose to present the memorial of the yearly meeting of the religious society of Friends, which had been recently held in the city of Philadelphia, remonstrating against the admission of Arkansas into the union, whilst a provision remained in her constitution which admits of and may perpetuate slavery. This yearly meeting embraced within its jurisdiction the greater part of Pennsylvania and New Jersey, the whole of the state of Delaware, and the Eastern Shore of Maryland. The language of this memorial was perfectly respectful. Indeed it could not be otherwise, considering the source from which it emanated. It breathed throughout the pure and Christian spirit which had always animated the society of Friends; and although he did not concur with them in opinion, their memorial was entitled to be received with great respect.

When the highly respectable committee which had charge of this memorial called upon him this morning, and requested him to present it to the senate, he had felt it to be his duty to inform them in what relation he stood to the question. He stated to them that he had been requested by the delegate from Arkansas to take charge of the application of that territory to be admitted into the union, and that he had cheerfully taken upon himself the performance of this duty. He also read to them the 8th section of the act of congress of 6th March, 1820, containing the famous Missouri compromise; and informed them that the whole territory of Arkansas was south of the parallel of 36 deg. and a half of north latitude; and that he regarded this compromise, considering the exciting and alarming circumstances under which it was made, and the dangers to the existence of the union which it had removed, to be almost as sacred as a constitutional provision. That there might be no mistake on the subject, he had also informed them that in presenting their memorial he should feel it to be his duty to state these facts to the senate. With this course on his part they were satisfied, and still continued their request that he might present the memorial. He now did so with great pleasure. He hoped it might be received by the senate with all the respect it so highly deserved. He asked that it might be read; and as the question of the admission of Arkansas was no longer before us, he moved that it might be laid upon the table. The memorial was accordingly read, and was ordered to be laid upon the table.

Mr. *Webster* reported the following resolution; which, on his motion, was considered and agreed to:

Resolved, That the several heads of the executive departments be directed to report to the senate their several and respective opinions upon the justice and propriety of increasing the compensation of all or any of the clerks in their respective departments, and, if they deem such augmentation proper or necessary, in any case, that they state their opinions of the reasonable amount of such augmentation.

Some other business being attended to—

The senate proceeded to consider the bill to appropriate the proceeds of the public lands, &c.

Mr. *White* addressed the senate at length in favor of the bill.

Mr. *Walker* moved to amend the bill by changing the mode of division so as to make it according to the representation in the senate and house of representatives.

After some discussion, in which Messrs. *Walker, Niles, Clayton, Clay* and *Black* participated,

The question was taken on the amendment by yeas and nays, and decided as follows:

YEAS—Messrs. Benton, Ewing, of Illinois, Linn, Niles, Robinson, Walker—6.

NAYS—Messrs. Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King, of Ala. King, of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Shepley, Southard, Swift, Talbmadge, Tomlinson, Webster, White, Wright—37.

The senate, on motion of Mr. *Clay*, adjourned.

April 26. Mr. *Morris* presented the proceedings of a large meeting of citizens at Cincinnati, Ohio, suggesting the propriety of acknowledging Texas as an independent state, and moved its reference to the committee on foreign relations.

Mr. *King*, of Alabama, admitted that the situation of Texas was such as to excite the sympathy of all, but he thought it would be going too far to entertain, at present, the subject of acknowledging her independence. He moved to lay the proceedings of the meeting on the table for the present.

Mr. *Walker* said he hoped the proceedings would not be laid on the table. There had been various meetings in the state of Mississippi, and he should have felt it to be his duty to rise in his place, and move the consideration of the recognition of Texas, had he not felt implicit confidence in the president, and a full conviction that, whenever the proper time should arrive, if ever it did arrive, he would adopt the most wise course. He hoped the subject would be referred to the committee on foreign relations, and he did not fear that this course would commit our neutrality. It would not be an expression of the sense of the country if the petition or proceedings were laid on the table. At the time when the South American states rose to obtain their independence, the distinguished senator from Kentucky rose in his place and moved the recognition of these states. The people had viewed with horror and disgust the brutal butchery of men, women and children, and were desirous to render effectual assistance to their brethren in Texas.

Mr. *Morris* said he concurred with the senator from Alabama in the opinion that this was a subject which required to be touched with the most delicate caution. We ought to proceed with great caution; but he coincided with the senator from Mississippi, that the feelings of the country had been roused. He believed that these proceedings spoke not only the almost unanimous opinion of the people of Cincinnati, but also of the state. He was willing, however, that the proceedings should be laid on the table for the present, in order to wait for further indications of public opinion, and to see if there was any other evidence of the kind sufficient to induce the senate to take up the subject for consideration.

The proceedings were then ordered to be laid on the table.

Mr. *Davis*, pursuant to leave, introduced a bill to amend the act entitled "an act to amend the several acts imposing duties on imports;" which was read a first time.

Mr. *Davis* moved the second reading of the bill, and said it required a word of explanation. It would be remembered by all that the tariff of imports underwent an entire revision in 1832. It would be seen that, in passing such a law, it was not convenient to enumerate all articles of merchandise, as it would render an act too voluminous. Articles of merchandise were, therefore, as far as they conveniently could be, classed. In doing this, it brought goods of like character, and subject to like duties, together; but some kinds of merchandise were mixed in their character, being made of different materials, as of cotton and wool, silk and wool, or cotton and silk, and thus it became difficult sometimes to assign such articles to their proper class.

It had so proved in regard to lead, which, in its unmanufactured state, was subject to a heavy duty of three cents a pound, while in some of its manufactured states it was liable only to fifteen per cent. It was, therefore, immediately introduced in the form of busts, and then applied to any purposes for which lead was needed, being substantially, for all purposes, considered as unmanufactured. Yet the courts held that it was manufactured lead in this form of busts, and subject to a duty only of fifteen per cent. It became necessary to pass an explanatory act, to carry into effect the real purpose of the law, by giving suitable protection to the producers of lead, and busts are now on the footing of unmanufactured lead.

The bill now introduced is to meet a like unexpected construction of the law.

The bill was read a second time, and then, on motion of Mr. *Davis*, referred to the committee on manufactures.

The senate proceeded to consider the bill to appropriate, for a limited term, the proceeds of the public lands, &c.

Mr. *Clay* spoke at great length in support of the bill.

Mr. *Clay* concluded about 20 minutes before 4 o'clock, when,

On motion of Mr. *Linn*, the senate adjourned.

April 27. The bill making appropriation for the naval service of the year, was taken up on the motion of Mr. *Southard*—

Among other proceedings—

The bill being reported to the senate as amended.

Mr. *Hill* asked for the ayes and noes on the first amendment, which increases the appropriation for the pay of the navy from $1,974,178 91 to $2,544,338 16, and they were ordered.

The question was then taken on concurring in the amendment, and decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Clayton, Cuthbert, Davis, Ewing, of Ill. Goldsborough, Grundy, Hendricks, Hubbard, King, of Alabama, Knight, Leigh, Linn, McKean, Mangum, Morris, Nicholas, Niles, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Walker, Webster, White, Wright—37.

NAYS—Messrs. Ewing, of Ohio, Hill, King, of Geo. Moore, Naudain—5.

The other amendments were then concurred in.

Mr. *Hill* moved to reconsider the vote by which the amendment appropriating money for an exploring expedition was agreed to, but the motion was negatived.

The question being on the engrossment of the amendment,

Mr. *Hill* asked the ayes and noes; which were ordered.

The question was then taken, and decided in the affirmative yeas 44, nays 1.

The special order, the bill to appropriate the proceeds of the public lands for a limited time, and to grant lands to certain states therein named, being called up.

Many motions to postpone, lay on the table for a time, &c. were made by Mr. *Benton* and others; on which the yeas and nays were several times called, and generally decided about as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing, of Illinois, Grundy, Hill, Hubbard, King, of Alabama, King, of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—20.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—26.

Among other proceedings—

Mr. *Brown* moved to strike out the first section of the bill.

Mr. *Moore* asked for the yeas and nays; which were ordered.

[This section provides for the ten per centum to the new states.]

The question was then taken on the amendment, and decided as follows:

YEAS—Messrs. Brown, Buchanan, Cuthbert, Hill, Hubbard, King, of Geo. McKean, Mangum, Niles, Ruggles, Shepley—11.

NAYS—Messrs. Benton, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Hendricks, King, of Alab. Knight, Leigh, Linn, Moore, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Southard, Swift, Tomlinson, Walker, Webster, White—31.

At last—

At half past five o'clock, Mr. *Ruggles* moved that the senate adjourn—ayes 18, noes 26.

The question was then taken on the first proposition of Mr. *Benton*, and decided in the negative—yeas 18, nays 27.

The question was then taken on the second proposition "holding treaties with Indians, for the purchase of lands," and decided in the negative—yeas 18, nays 26.

The question was then taken on the next item, "amount paid to Indians for purchase of land," the vote was—yeas 18, nays 26.

The last item "amount expended for the removal of Indians from lands purchased," was negatived—yeas 17, nays 28.

The question on the third reading of the bill was ordered to be taken by yeas and nays, and being taken, was decided as follows:

YEAS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—25.

NAYS—Messrs. Benton, Brown, Calhoun, Cuthbert, Ewing, of Illinois, Grundy, Hill, Hubbard, King, of Ala. King, of Geo. Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—21.

So the bill was ordered to be engrossed and read a third time.

The senate then adjourned.

April 28. The resolution of Mr. *Buchanan*, instructing the committee on finance to inquire into the expediency of authorising the president of the United States to contract with L. Persico for furnishing two groups of statuary to complete the eastern front of the capitol, was taken up, and a debate ensued in which Messrs. *Preston*, *Mangum*, *Calhoun*, *Buchanan*, *Clay*, *Davis* and *Clayton* participated.

The resolution was passed.

The bill to appropriate, for a limited term, the proceeds of the public lands, and grant lands to certain states, was read a third time.

The question being on its passage,

Mr. *Niles* made some observations in opposition to the bill.

Mr. *Benton* moved to recommit the bill, with instructions to ascertain and report the proper charges for expenditures to be deducted from the avails of the public lands; which was decided in the negative, only fifteen voting in the affirmative.

On motion of Mr. *Morris*, that the senate adjourn, the yeas and nays being required, it was decided in the negative, as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing, of Illinois, Grundy, Hill, Hubbard, King, of Alabama, King, of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—20.

NAYS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Southard, Swift, Tomlinson, Webster, White—24.

After some words in explanation, from Messrs. *Porter*, *Benton* and *Morris*, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, *April* 22. Mr. *Jarvis*, from the committee on naval affairs, submitted the following report:

That the committee on naval affairs, to which was referred the resolution of the mayor and city council of Baltimore in favor of the establishing of a navy yard at that city, with instructions to inquire into the expediency of making such an establishment, have had the subject under consideration, and report:

That there are already two navy yards established within the capes of the Chesapeake, viz: those of Washington and Norfolk, which are abundantly sufficient for all the purposes of the navy in this quarter, and the following resolution is, therefore, submitted:

Resolved, That it is inexpedient to establish a navy yard at Baltimore.

A good deal of minor business being attended to—

In pursuance of the special order of the 20th instant, the house went into committee of the whole on the state of the union, (Mr. *Muhlenberg* in the chair), and resumed the consideration of the "bill authorising the president of the United States to accept the services of volunteers in certain cases."

After a rather wide and desultory debate, and the appropriation of 300,000 dollars to the purpose—

Mr. *Adams* moved to amend the bill by adding a proviso that nothing therein contained shall be so construed as to deprive the persons so called into the service of the United States, of any privileges belonging to the militia, when called into the service of the government; which was agreed to.

Mr. *Everett* moved so to amend the bill as to leave it optional with the president to accept the services of the volunteers either for six or twelve months. Agreed to.

Mr. *Whittlesey* moved further to amend the bill by striking out the 4th section, which insures the volunteers against any loss of property in the service. Mr. W. opposed this section as introducing a new principle, and stated also that the subject was under consideration in the committee of claims, with a view to the formation of a general law on the subject. The motion was agreed to.

The bill was laid aside, and the committee then took up, and considered the "bill for the better protection of the western frontier."

On motion, the committee rose, and reported the "bill authorising the president of the United States to accept the services of volunteers in certain cases," with sundry amendments; and on the bill, last considered, obtained leave to sit again. The house then adjourned.

Saturday, April 23. Some time was spent on Mr. *Dromgoole* and Mr. *Wise's* motions concerning the deposite banks. Without any thing being decided, the order of the day was called, and the house proceeded to the consideration of many private bills.

Monday, April 25. The resolutions of Kentucky and Massachusetts, in favor of the passage of the land bill was taken up, and, afterwards, laid upon the table—and a large quantity of minor proceedings had.

On motion of Mr. *Cambreleng*, the bill making a further appropriation of *one million of dollars* for the suppression of the hostilities of the Seminole Indians in Florida was taken up.

Mr. *Cambreleng* stated that only $487 remained of the former appropriations for this object.

The bill was, without question, laid aside to be reported, without amendment. [The bill was subsequently passed.]

On motion of Mr. *Cambreleng*, the committee took up for consideration the bill supplementary to the general civil and diplomatic appropriation bill providing for the salaries of certain officers therein named.

Some amendments being made to the bill, it was laid aside; and certain other appropriation bills proceeded with. Adjourned.

Tuesday, April 26. The morning business being attended to, certain appropriation bills were taken up, considered and amended, &c. And the house adjourned.

Wednesday, April 27. The following resolution, reported by Mr. *Owens*, from the committee of ways and means, was taken up:

Resolved, That the bill reported by the committee of ways and means, regulating the deposite of the money of the United States in certain local banks, be made the special order of the day for the first Wednesday in May next, at 12 o'clock, provided the appropriation bills be at that time disposed of; and in case said appropriation bills be not then acted on, then on the day next after their disposition; and that the said bill in relation to the deposite banks have precedence on the first Wednesday in May next, or the day after the disposition of the appropriation bills, and the following days, over all other business until the same is disposed of.

The resolution was amended by striking out the first Wednesday in May and inserting the second Wednesday.

A good deal of minor business being attended to—

On motion of Mr. *Cambreleng*, the house went into committee of the whole on the state of the union, (Mr. *J. Y. Mason* in the chair), in pursuance of the special order of the 26th of January.

The bill making appropriations for the support of the army for the year 1836 was taken up and read.

And, being some time considered—the house adjourned.

Thursday, April 28. After the usual morning business, the army appropriation bill was taken up and further considered, and some progress made therein.

The amendments were read, and ordered to be printed, and, with the bill, were referred to the committee on naval affairs.

On motion of Mr. *McKim*, (offered by consent), 5,000 extra copies of the reports of the secretaries of war and navy, on the subject of national defence, were ordered to be printed.

The house then adjourned.

LATEST FROM FLORIDA.

From the Savannah Georgian, of the 18th April.

The Santee, captain Brooks, arrived yesterday morning from Picolata, Black Creek, &c. via Jacksonville. We learn from an officer of the army, a passenger in the Santee, that when the boat left the above places not the slightest intelligence had been received of the movements of general *Scott* and the forces under his command. A letter, dated 8th or 9th inst. had been received at Black Creek from captain Ledrum, commanding at Fort Drane, in which was enclosed a note received by express from captain Gates, the commandant at Fort King, stating that intelligence had been received from general Eustis, who with the left wing of the army reached Pilakilkaha, (about thirty miles from Tampa) without encountering on the march any of the enemy except a small party, which after an irregular fire dispersed, leaving two or three of their number killed, one of which was a chief (Euchee Billy).

This engagement is doubtless the same as that already noticed as having occurred at Volusia on the 23d ult. in which the loss of the whites was stated at three killed, and the Indians five (among them Billy Hicks or Euchee Billy).

General Eustis states that he has with him a large number of *famishing* horses.

Information has reached Black Creek that five hundred Creeks, under general Woodward, had passed through Tallahassee on their way to Tampa.

Several Indian tracks have been seen within the last ten days from two to ten miles this side of Mickanopy, which were those of small parties of Indians apparently driving cattle towards Orange Lake. It is the general opinion at Fort Drane, which post one of our informants left on the 6th inst. that the Indians had dispersed themselves into scattered parties, but this was mere conjecture. Eighty-five of the Louisiana volunteers were left *sick* at Fort Drane.

From the Jacksonville Courier, April 14.

Since our last, nothing of importance has been heard from any division of the army. By an arrival from Fort Drane, we learn that on the 1st instant an express reached there, from general Eustis, stating that he was destitute of *corn* and *forage* for his horses. He has about seven hundred mounted men in his division. Having no corn or forage at Fort Drane to send him, they must have suffered exceedingly. General Eustis was then about twenty-five miles from Fort Drane, and four or five days' march behind general Scott.

It has now been sixteen days since general Scott reached the Wythlacoochee. Considerable anxiety is felt with regard to them. They cannot have met the Indians near the old fighting ground, as their guns would have been heard. There is little doubt, that general Scott has marched to Tampa Bay. It is possible, that the Indians, on seeing his force, deemed it best to give themselves up, and that he has gone to escort them to Tampa Bay. It is far more probable that the Indians have eluded him, and he has been compelled to go there for provisions. With so large a force, it is scarcely possible, that any other disaster should befal them, than a scarcity of provisions.

—

Gen. *Gaines* has subjected his conduct to severe criticisms on several accounts—and we shall probably have *another war*, as soon as that in Florida ceases. The *Alexandria Gazette* says—

General Gaines in his general order on quitting the army of Florida sneeringly spoke of general *Scott*, as "the officer charged with the diplomatic arrangements of the war department." General *Jesup*, in a published letter *in reply* to captain Hitchcock's statements relative to the supplies in Florida, declares that he must be excused from sharing either the responsibility assumed or the honor gained by general Gaines in his late campaign! Thus they go. Throughout this whole Florida war we have observed with regret evidences of jealousy and bad feeling on the part of the officers. The country ought to frown upon such proceedings.

We shall lay aside the papers—for "future reference."

Many of the United States troops in Florida are perishing by the climate, being afflicted with pleurisy and inflammations.

TEXAS.

☞We give the "sum and substance" of the news—without feeling any sort of responsibility on account of it.

The southern papers bring further and disastrous advices from Texas. The contest, it will be seen, is becoming fierce and sanguinary, and on the part of the Mexicans is one of extermination. The statement published two or three days ago, relative to the junction of the Texian force under col. Fanning with the army of Houston, proves to be incorrect. In attempting to cut their way from Goliad through the Mexican army, they were overpowered, compelled to capitulate, and, according to the account before us, subsequently massacred.

From the New Orleans Bee, April 11.

The most distressing intelligence was received yesterday from this delightful (but at present unfortunate) country, by the arrival of the general De Kalb, from Brazoria, whence she sailed on the third instant.

On the 23d ult. colonel Fanning had sent out a scouting party of about 50 men, they were massacred. On the 24th, he sent out a skirmishing, party of 150; they were also cut off. He then resolved to destroy the fort of Goliad, burn the town, and cut his way through the enemy encamped in his neighborhood, as his provisions failed, and his garrison had diminished to 300. But in attempting this, he was surrounded by the Mexicans, and compelled to capitulate and lay down his arms—after which, with characteristic treachery, he and all were shot.

The detachment of volunteers from Georgia under major Ward, has been also cut off, with the exception of three persons, one of whom had arrived in Brazoria before the De Kalb sailed.

On the 26th ult. general Houston found it necessary or convenient to retreat twenty miles rearward from the Colorado river, as one wing of the Mexican army had arrived on the opposite bank. The Mexicans were advancing in two columns—one upon general Houston, the other towards the mouth of the Brazos.

The army under Houston was posted rear of the Brazos river on the 29th ult. and contained about 2,000 men; that column of the Mexicans opposed to him had then crossed the Colorado, and numbered about 3,000. The Texians think and Houston has determined that the enemy shall never recross the Colorado and we think and trust that they shall not pass the Brazos.

The Texians have actually become desperate from the massacres, and situation of their affairs. They have burned San Felippe de Austin; and destroyed all the country in their retreat. They have sent hither their women and children, with whom the De Kalb and other vessels are crowded. They have resolved in case of necessity to burn Brazoria and Bell's landing on the approach of the Mexicans; and are transporting most of their effects to Galveston, for which place the schooners Columbus and Flash were ready to sail. The Pennsylvania and Shenandoah were bound for this port; the Santiago was at the mouth of the river; and the Julius Cæsar within.

Extract of a letter dated, Peach Point, March 28.

Mr. Sharp has arrived from Houston's camp—he left there on the 24th in the evening—states that there were 800 Mexicans encamped just above the prairie, and Sharp thinks there has been an engagement. Houston had resolved to attack them; and so sanguine was he of success, that he was about to take measure, when Sharp left, to prevent their escaping by sending a body of 300 men beyond the enemy. Prisoners taken by our men state that the enemy's force did not exceed 5,000 men after leaving Bexar. Houston had with him about 2,000, and his force was daily augmenting. Nothing certain had been heard from Fanning; the reports are that he is retreating; the garrison at San Patricio, of 95 men, had had an engagement with the enemy, killed 150, and wounded as many more, and retreated without loss.

Yours, &c. J. F. PERRY.

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Extracts from the Texas Republican of the 23d *March, Caney, March* 22, 1836.

To the committee of Brazoria.

I have just arrived from Cox's Point, left about 30 armed men and some 25 unarmed, in charge of the public stores in that place, but fear from the general panic, that that place would be deserted, after bringing off as much as the lighters could bring, but if colonel Wharton had arrived with the force, said to be with him, the point could have been protected against ten times the number. I repaired east, in order to rally all the disposable force of the retreating families, but found every man shifting for himself and helpless family, all of which were crossing the Colorado, and on their way east; and this morning captain Sharp brings the news from the advance of Fanning's army, (who made their escape), that Fanning was surrounded and fighting in the prairie, six miles east of Goliad, for life, when the advance guard made their retreat, which was under the command of col. Horton, and I fear Fanning and his brave companions are slaughtered. The news is that all Americans in Gandaloupe were butchered by the citizens, Spaniards. Such is our situation, and all will be on their way to-morrow further east; and unless you can rally and send on men forthwith, to the cover of the retreat, all must be lost; and I would recommend the procuring and detention of any vessel that may be in reach, to take off helpless families. And every man who can possibly do so, to rally and turn the enemy back faster than they came. I have the honor to subscribe myself.

Very respectfully, BENJ. J. WHITE.

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Mobile, April 11.

From Matagorda. The brig Tensaw, capt. Averill, arrived last evening from Matagorda in 8 days. Capt. Averill mainly confirms the melancholy intelligence copied from the Register of last evening. She brings fifty passengers, mostly woman and children, who have fled. It was reported that but four men were left in Matagorda, who were provided with boats to quit the place (after having blown it up). The Tensaw saw a Mexican cruiser twelve hours after she left Matagorda.

[*Register.*

New Orleans, April 11.

We have the following reports by the gen. De Kalb, from Brazoria, that sailed on the 3d instant. General Houston had retreated twenty miles from the Colorado on the 26th of March, the enemy having advanced to the opposite shore. San Felippe had been burnt by the inhabitants. Intelligence had been received at the mouth of the river, that col. Fanning had capitulated on condition not again to serve against the Mexicans, but that the next morning the whole garrison was put to the sword. No official information, however, had been received, and it was not *generally* believed. The Mexicans were advancing in two columns, one upon Houston, the other upon the mouth of the Brazos. The De Kalb is full of women and children, and also many other vessels. The inhabitants are destroying every thing, and laying waste the country, lest it should fall into Mexican hands.

From the Memphis Enquirer.

The bodies of col. Travis and his little band were burned by order of Santa Anna. The lady of lieut. Dickinson was within the fort and begged to share the honorable fate of her husband. Santa Anna here proved himself a soldier, and protected her; he replied, "I am not warring against women." He sent her away with the servant who carried this news, and who left her safely near Washington.

—

Fellow citizens of Texas generally: "news of the most disastrous nature, arrived here from the southern divisions of our army by the lieutenant and twenty men who formed the advance of Fanning's army: while trying to make their retreat from Fort Defiance, they were attacked by 2,700 Mexicans in the Big Prairie. They are now advancing towards the Colorado. Help we want—and that speedily. Time don't admit of my saying any thing more." FRANCIS WELLS.

From the New Orleans True American of April 13.

We received yesterday further accounts from Texas, but nothing upon which we can rely with certainty. It appears to us that the people of this country, either designedly or by accident, are kept very much in doubt as to the movements of the hostile armies of that country. Scarcely an account arrives but that is modified or contradicted by a subsequent arrival.

One thing is very positive—the Texians are now placed in a most critical—nay, a desperate situation. They have changed the first aspect of the war, from a people contending for their constitutional rights, which might have been secured to them, to a war waged for absolute independence. To say the least of such a step, it was impolitic, and quite too premature. Their population is too sparce to contend against Mexico—they lack men, money and resources, even with all the aid they have or may obtain from individuals or communities in this country, to hope for final success, or even to contend for any considerable length of time. Their only salvation now depends upon the interference of our government, and the question is, will it, ought it to interfere. We, for one, would be willing that it should.

But we fear that it will not; for the immediate interests of the country are opposed to such a step—more particularly at the present time, when there is evidently a want of unanimity among the Texians themselves, and every one, at least every leading man, appears to be acting upon his own responsibility.

There has been too much division in Texas—too much indiscretion; too much dividing of their small army into small detachments, left to be sacrificed by treble—nay, five times their number of the enemy.

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It is stated in the New Orleans Post, that general Gaines has received orders from our government to preserve a strict neutrality in the contest going on between the residents of Texas and the Mexican government; and that *armed emigrants* from the United States, going for the purpose of interfering in this war, will not be permitted to enter Texas.

Women and children from Texas continue to arrive at New Orleans—most of them in great distress.

We have just received, (says a New York paper), the copy of a letter from *Brazoria*, under date of 24th March, which speaks of "all the settlements situated between the river Nueces and Los Brazos, (San Felipe de Austin included), as overrun by the Mexican troops, who give no quarter to those taken with arms in their hands."

It also communicates the copy of an important decree of *Santa Anna* emancipating all slaves carried into Texas in violation of the laws of Mexico. We will publish the whole to-morrow. Meantime, it should be added that the accounts from that country evince a pretty hopeless state of affairs for the insurgents.

It is stated in some of the letters received at New Orleans that among the Americans recently killed in the Texian war was Dr. *Harrison*, son of gen. *Wm. H. Harrison*, of Ohio.

Officers of the government of Texas.

David G. Burnet—president of the republic of Texas.
Lorenza D. Zavalla—vice president.
*Samuel P. Carson—secretary of state.
Thomas I. Rush, war.
Bailey Hardman, treasury.
*Robert Potter, navy.
David Thomas—attorney general.
J. R. Jones—postmaster general.

SOMETHING ABOUT EXPUNGING.

Correspondence of the Baltimore Patriot.

Washington, March 1, 1836.

A few words upon the doctrine of "expunging" legislative acts. It has been beautifully said that "history is the teaching of truth by example." Our own national history is full of such teaching; and I beg the attention of the reader to that passage of it which it is one of the objects of this letter to recite, and to comment upon, as a peculiarly appropriate lesson for the present times.

*Both were recently members of congress from N. Carolina.

In the year 1768, the house of representatives of "the province of Massachusetts Bay," addressed a circular letter to the speakers of assembly in the several colonies, upon the subject of certain acts of parliament then recently passed, imposing duties and taxes on the American provinces. This paper, like all the rest of that character and of that time, was drawn up by *James Otis*, of Massachusetts, of whom his biographer says, that his "great learning, quickness, keen perception, bold and powerful reasoning, made him the powerful source of almost every measure," and in relation to whom the elder *Adams* has said, "I have no hesitation or scruple to say that the commencement of the reign of *George* the third was the commencement of another Stuart's reign; and if it had not been checked by *James Otis* and others, *first*, and by the great *Chatham* afterwards, it would have been as arbitrary. I will not say that it would have extinguished civil and religious liberty on earth, but it would have gone great lengths towards it."

This "circular letter" contained respectful but strong animadversions upon the tyrannical and oppressive conduct of Great Britain towards the colonies; and soon after, the governor, *(Bernard)*, of Massachusetts, transmitted to the house of representatives, a requisition of the premier, (lord *Hillsborough*), "that the house should *rescind their circular letter!*" and the penalty for refusing was to be the immediate dissolution of that body.

What was the course pursued by that house? Did they succumb to the requisition of power? Did those exemplars of liberty, those first teachers of the rudiments of free principles, leave on record a sanction to this doctrine of expunging legislative journals, and rescinding legislative documents? Far from it! They remonstrated against the requisition of the government, pointed out its absurdity, and boldly, yet in respectful terms, informed the governor that they could not comply with the demand. They said: "IT IS TO US ALTOGETHER INCOMPREHENSIBLE THAT WE SHOULD BE REQUIRED, on peril of a dissolution of the great and general court or assembly of this province, *to rescind a resolution of a former house of representatives, when it is evident that resolution has no existence but as a mere historical fact.*" They went on to remind the government that "*the resolution referred to was not then 'executory' but to all intents and purposes 'executed.'*" The letters had been sent, published and answered: they were in the hands of the people, and they added—"*We could as well rescind those letters as the resolutions, and both would be equally fruitless, if, by rescinding, is meant a repeal and nullifying of the resolution referred to.*" After much more able reasoning on this point, they conclude as follows: and I conjure the modern advocates of what in our fathers' time was thus considered HIGH TORY DOCTRINE, to "read, mark, learn and inwardly to digest" the passage. It is pregnant with salutary teaching.

"We have now only to inform your excellency that *this house have voted not to rescind, as required, the resolution;* and that, upon a division on the question, there were *ninety-two nays*, and seventeen yeas. Other members afterwards sent in their adhesion to the majority, making their numbers in all *more than five to one!* In all this we have been actuated by *a conscientious*, and finally by *a clear and determined sense of duty to God, to our king, our country* AND OUR LATEST POSTERITY."

William Tudor, esq. the biographer of *James Otis*, (from whose work I have drawn many of these facts), remarks, that "*this decision of the house was received* throughout the province, and IN ALL THE COLONIES, WITH ENTHUSIASM. *The number 'ninety-two' became a favorite toast, and was the subject of frequent allusion.*" The same able writer goes on to remark, "the proposition that the house should rescind the 'executed' transactions of another had *something ludicrous in its very terms.*"

Such is a page from our own national history, expressing the opinions, sentiments and principles of the fathers of the country: of men who breathed the pure spirit of freedom and independence into the people of their day, and who declared that they acted under "a conscientious sense of their duty to God, their country, *and their latest posterity.*"

Are the children wiser than their fathers? Are we "wiser in *our* generation, than the children of light!"

CONGRESSMEN—IN OFFICE!

The following abstract is from an official document lately laid before congress.

Martin Van Buren, for less than three years service as secretary of state and minister to England	$31,846 66
Samuel D. Ingham, as secretary of the treasury, less than three years	14,268 50
John H. Eaton, as secretary of war and governor of Florida about two years and a half	18,933 33
John M. Berrien, attorney general	8,479 10
John Branch, secretary of the navy	13,575 63
Thomas P. Moore, minister of Colombia, about four years	51,646 80
Louis McLane, minister to England, secretary of the treasury and of state about four years and a half	50,381 57
William C. Rives, minister to France, about three years	45,749 53
John Forsyth, secretary of state one year and a half	9,000 00
Selah R. Hobbie, assistant postmaster general	15,625 00
Levi Woodbury, secretary of the treasury and of the navy about four years and a half	27,642 85
Edward Livingston, minister to Fance and secretary of state, a little more than four years	46,798 38
James Buchanan, minister to Russia about one year and a half	27,044 30
William Wilkins, minister to Russia	16,789 94
Edward Kavanah, charge d'affaires to Portugal, not gone yet	2,288 00
Powhattan Ellis, charge d'affairs to Mexico, and judge for the district of Mississippi	6,929 35
Philip P. Barbour, judge east district of Virginia	9,415 76
Thomas Erwin, judge west district of Pennsylvania	8,485 00
James W. Ripley, collector at Passamaquoddy to 31st December, 1834	12,750 00
John Chandler, collector at Portland, to 31st December, 1834	18,323 25
George W. Owen, collector at Mobile, to 31st December, 1834	17,250 21
John Biddle, register of the land office, Detroit, to 31st December, 1834	12,997 45
Aggregate	$488,679 30

In addition to the above, three other members of congress have received appointments, whose accounts are not in the register's office, viz: Nicholas D. Coleman, postmaster at Maysville, Ky.—J. M. Wayne, to be judge of the supreme court, and Andrew Stevenson to be minister to England.

[There are, we think, several additional names to be added—and, certainly several additional sums.]

TREASURY OF VIRGINIA.

State of the public funds, on the morning of the of April, 1836.

Balance per treasury office books:			
In the bank of Virginia		$195,621 34	
" Farmers' bank of Virginia		206,432 48	
			$402,053 82
Balance in the bank of Virginia, per account rendered		$195,644 17	
In the Farmers' bank of Virginia, per account rendered		207,643 21	
		403,287 38	
Deduct account of checks issued by the treasurer, on warrants drawn by the auditor of public accounts, and not presented for payment before the 1st of April	$1,210 61		
Deduct also amount of orders paid into bank previous to the 1st April, the certificates for which were not returned to the treasury office	22 83		
Gain to the literary fund, prior to April, 1829,	12		
		$1,233 56	
			$402,053 82
In the bank of Virginia, on the 1st April, 1836		$195,621 34	
In the Farmers' bank of Virginia		206,432 48	
			$402,053 82
To the credit of the commonwealth		145,552 07	
Literary fund		89,071 06	
James River company		6,696 54	
Board of public works		78,737 17	
N. V. turnpike road		31,992 13	
Com'rs sinking fund		50,000 00	
Gain in change prior to April, 1829		4 85	
			$402,053 82

L. BURFOOT, *treasurer commonwealth.*

EXPEDITION TO THE SOUTH POLAR SEAS.

We were glad to observe in the official paper a few days ago, a commendatory notice of the proposed exploring expedition to the South Polar seas, as we infer from the article a disposition in the executive favorable to the object. The considerations which recommend it to the adoption of the government, connected as well with national pride as with a great branch of the national wealth, are too numerous to be entered into in a brief paragraph; they are fully set forth in the able report

made by Mr. SOUTHARD, from the naval committee of the senate, which we shall endeavor at a future day to give at large. At present our space compels us to content ourselves with the annexed extract from the article of the Globe, to which we add, from the numerous documents reported by the committee, a letter from commodore DOWNES, an officer whose general intelligence and great experience in the navigation of the South seas, entitle his opinion to peculiar weight on this subject:

[*Nat. Intelligencer.*

From the Globe.

Expedition to the South seas and Pacific ocean. We have been waiting several days to find space in our columns to say a word in reference to the above enterprise.

The practical views contained in the report of the committee on naval affairs, recently made in the senate, as well as the address of Mr. Reynolds, delivered a few evenings since, in the hall of representatives, has left a very favorable impression, and there seems now to be but little doubt that the expedition will be authorised.

What is the amount of our interests in the seas where the principal labors of the expedition will be performed?

To say nothing of the vessels engaged in the various traffic among the islands in the Pacific, the following will show what interests we have in the various branches of the whale fishery from different ports in the United States:

Ports.	*Vessels.*	*Ports.*	*Vessels.*
New Bedford	154	Bristol	17
Nantucket	71	New London	29
Lynn	5	Norwich	1
Gloucester	1	New York	6
Portsmouth	4	Newburg	3
Warren	15	Wilmington, Del.	3
Providence	2	Dartsmouth	4
Mystic	3	Wareham	1
Green Port	3	Edgarton	8
Hudson	11	Plymouth	4
Newark, N. J.	1	Salem	9
Westport	3	Provincetown	1
Fairhaven	31	Wiscasset	1
Rochester	4	Newport	9
Falmouth	4	Stonington	3
Fall River	3	Sag Harbor	24
Dorchester	4	Poughkeepsie	4
Newburyport	4	Bridgeport	2
Portland	1		

This immense fleet of 460 sail will average about 375 tons each—making one hundred and seventy-two thousand five hundred tons, or one-tenth the tonnage of the United States.

The cost of these vessels is from twenty to sixty thousand dollars each, on an average of say forty thousand dollars—which requires an active capital of *eighteen million four hundred thousand dollars!*

The importance of this trade to the vast interior, even extending to the "*far west*" and south, is not so generally understood as it should be. A single statement will set this matter in a proper point of view.

Every time this whale fleet puts to sea, there is required in outfits—

Flour 80,040 barrels; pork and beef, 79,120 barrels; molasses, 621,000 gallons; coffee, 552,600 lbs.; sugar, 256,800 lbs.; tea, 172,500 lbs.; rice, 1,300 tierces; duck, 46,460 pieces; cordage, 8,950 tons; iron hoops, 4,600 tons; copper, 552,000 sheets—vessels coppered every voyage; staves, 10,000,000.

Whaling gear, $1,000 cost to each vessel—consisting of harpoons, spades, cambooses, &c. &c.

Besides all these, large quantities of beans, corn, peas, potatoes, &c. are required in outfits.

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COMMODORE DOWNES'S LETTER.

"*Charlestown, (Mass.) Jan.* 21, 1835.

"DEAR SIR: In compliance with your request that I would communicate to you, in writing, my views on the subject of a voyage of discovery to the South seas and Pacific ocean, I have to regret that the circumscribed limits of a letter will allow but little more than the simple expression of an opinion on a subject of so much national importance, and in relation to which so much might be said in detail.

"I have had some experience in the navigation of the less frequented parts of the Pacific at an earlier period of my life. During my late voyage in the Potomac, I have had an opportunity to add greatly to the knowledge acquired in former years. An expedition fitted out for the purpose of improving our knowledge of the hydrography of those seas, has often been the subject of my reflections. As the representative of a district largely engaged in the whale fishery, you must frequently have seen, from the reports of masters of vessels engaged in that business, accounts of new islands and reefs being frequently discovered, and which are either not laid down on the charts, or so erroneously marked that they can give no security to the mariner. It is probable that not less than five hundred of these islands and reefs have been marked with sufficient accuracy by our whalers, sealers and traffickers, of one kind or another, to enable an expedition to examine the most important of them, without much loss of time in seeking their positions. This will enable the discovery vessels to do more, in less time, than has probably ever been effected by a similar enterprise from any other country. Of the extent of our interest in those remote seas, I need not speak, as you are conversant with the subject; besides, the interest has been fairly represented by memorials to congress. During the circumnavigation of the globe, in which I crossed the equator six times, and varied my course from 40 deg. north to 57 deg. south latitude, I have never found myself beyond the limits of our commercial marine. The accounts given of the dangers and losses to which our shipping are exposed by the extension of our trade into seas but little known, so far, in my opinion, from being exaggerated, would admit of being placed in bolder relief, and the protection of government implored in stronger terms. I speak from practical knowledge, having myself seen the dangers, and painfully felt the want of the very kind of information in the guidance of a vessel in those seas which our commercial interests so much need, and which, I suppose, would be the object of such an expedition as is now under consideration before the committee of congress to give. Indeed, the whole of this business, it seems to me, is a plain and practical affair. The commerce of our country has extended itself to remote parts of the world, is carried on around islands and reefs not laid down on the charts, among even groups of islands from ten to sixty in number, abounding in objects valuable in commerce, but of which nothing is known accurately; no, not even the sketch of a harbor has been made, while of such as are inhabited our knowledge is still more imperfect. It would seem to require no argument to prove that a portion of our commerce might be rendered more secure, and probably greatly increased, by vessels sent, properly prepared, to examine such islands. There are also immense portions of the South seas, bordering on the antarctic circle, well deserving the attention of such an expedition, especially during the most favorable months of the southern summer. Islands discovered in that quarter will probably be found to yield rich returns in animal fur. Indeed, discoveries of this kind have recently been made by some English whalers, supposed to be of great extent, the vessels having sailed along three hundred miles of coast lying south of the Cape of Good Hope. This may lead to other very interesting discoveries, which will probably be found, on further examination, to be a continuation of Palmer's Land, lying south of the South Shetland islands, or only separated from it by a narrow channel. Much might be said in favor of a speedy examination of this portion of the South seas; indeed, I hardly know where an expedition could go where it might not be in the way of doing good, to say nothing of the credit our country would acquire in promoting such an enterprise.

"As to my opinion of the class of vessels best suited for such an expedition, I should unhesitatingly say, two brigs or barques, of two hundred tons each, and a tender, of from eighty to one hundred tons. A great many weighty reasons might be given to show that if, in the same ratio, vessels were beyond this size, the chances of safety and extensive usefulness would be proportionably decreased. Very respectfully, your obedient servant, JOHN DOWNES.

"Hon. *John Reed, member of congress.*"

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ACCOUNT OF THE PUBLIC MONEY.

Report of the secretary of the treasury, in compliance with a resolution of the senate.

Treasury department, April 18, 1836.

SIR: The present communication is submitted in compliance with a resolution of the senate passed on the 13th instant, in the following words:

"*Resolved*, That the secretary of the treasury be directed to report to the senate, with as little delay as may be practicable, the amount of money in the treasury on the first of this month, where deposited, and the amount of the liabilities of the several banks of deposite, respectively, with their means of meeting the same; and, also the receipts of the treasury for the quarter ending the 31st of March last, arranged under the heads of customs, public lands and incidental receipts."

Inferring, from the introductory language used in the resolution, that an early reply was very desirable, measures were immediately taken to prepare the statements requested, so far as the necessary returns have been received at this department.—Although they are not yet complete from a few distant places, yet it is believed the results will not be very materially altered by the residue of them.

1. In reply to the first inquiry by the senate, I would observe that the amount of money in the treasury, subject to draft on the 1st of April, 1836, so far as ascertained in the running account kept by the treasurer for his information, is believed to be correctly stated in his communication annexed, at the sum of $31,895,155 76. (A).

It may be proper to add, in explanation, that this is the amount, without any deduction, for outstanding existing appropriations; that, during the two previous years, the receipts from both customs and lands have been somewhat larger in the first than the second quarter of each year, but, in A. D. 1835, fluctuated so as, in the last two quarters, to increase nearly one hundred per cent.; and that the expenditures, during the first quarter of the present year, have been so small as to draw somewhat less money from the treasury than during the first quarters of those years.

2. In reply to the next inquiry, as to the places where this money was then deposited, the schedule annexed also exhibits the amount to the credit of the treasurer on that day in each bank employed as a depository of the public money. (A).

The difference between the amounts in different banks and states arises from the fact that the sums were placed in those

banks on mere fiscal principles and for fiscal purposes alone, being money either collected nearest to them, or sent to them for future disbursements or for safe keeping, at the convenient points for public use, in the manner and under the circumstances explained more fully in my last report to congress.

This department, without special authority from congress, and which authority that body has not yet thought proper to confer, has never felt empowered to divide equally among the states or its banks, for loaning out with or without interest, or for any other than fiscal purposes, any of the money now intrusted to its temporary charge for fiscal purposes alone.

3. In relation to the inquiry concerning the amount of the liabilities of the several banks of deposite, respectively, with their means of meeting the same, a document is annexed, the latest completed on this subject, which gives in detail, according to the returns nearest to the 1st of March, the amount of liabilities, immediate and otherwise, of each bank, and the means of that bank, whether immediate or otherwise, to discharge its liabilities. (B). In explanation, an aggregate statement is given at the bottom of the document, which shows the immediate liabilities of all these banks, at that time, to be about $93,000,069 96, and the immediate means of all, to discharge those liabilities, to be about $38,082,699 93; such means being in the ratio of about one to two and a half of those liabilities.—It shows further, that their whole liabilities, other than to their stockholders for capital, are about $103,762,279 80, and their whole means of every kind to discharge them, are about $146,056,210 07, or one of means to less than three-fourths of those liabilities. In further explanation, I would observe that, among their means, are included, under the head of "other investments," the sum of about $12,427,759 97. That is so described in the table annexed, for the purpose and convenience of condensing numerous small items which, in most cases, are set out by the banks with particularity and fullness. As suggested, partly in a note, they consist chiefly of stocks, bonds, mortgages, bills and checks in transitu, capitals furnished to branches, &c. and presumed to be, generally, secure and proper investments.

It may be properly added, in connexion with this exhibit, that the security of the treasury, in relation to the deposites in those banks; depends not only on their large means, compared with their liabilities to the government and others, except their stockholders, but on the collateral security which, as stated in my last annual report, has been given to the treasury, in most cases where the deposites are large compared with the capital of the bank.

The returns of all the banks to the 31st of March have not yet been received and arranged; but, as soon as they are, the results will be submitted. So far as examined, it is believed that the proportions on the above subject, of liabilities and means, will not be materially varied.

4. The fourth and last inquiry is as to the receipts into the treasury for the quarter ending the 31st of March last, arranged under the heads of customs, public lands and incidental receipts. These, so far as ascertained, are from customs $5,006.050; from lands $5,430,650; and from miscellaneous sources $280,000.—As previously intimated, the receipts from customs and lands have of late years, if not formerly, been considerably larger in the first than in the second quarter of that year, though last year so extraordinary a fluctuation happened that the receipts from lands more than doubled in the last two quarters. Contrary to the expectation of the department last November, the receipts from the same source have continued to be unprecedentedly great. This has occurred, also, notwithstanding the quantity of new lands put up for sale, in behalf of the government, at public auction, in the last quarter, has been very small: and the probable falling off in the receipts from this source in March, compared with those in February, has been about one-third. Whether this falling off, or an approximation to it, more or less, is likely to continue during the residue of the year, this department, in the great fluctuations of business and speculation which have characterized the last six months, has not had, and cannot have, any means of judging with much certainty. I have the honor to be, very respectfully, your obedient servant,

LEVI WOODBURY,
secretary of the treasury.

Hon. *Martin Van Buren, vice president of the U. States, and president of the senate.*

[The following is a table A referred to in the above report, the table B being only a particular statement of the condition of the deposite banks, not materially differing from the large tabular statement published some time ago.]

Statement of the amount of moneys in the treasury that is subject to draft on the 31st of March, 1836, so far as ascertained from the returns received, (and exclusive of unavailable funds), with the several places of deposite.

In what institution.	*Amount.*
Main bank, Portland	$178,884 22
Commercial bank, Portsmouth	127,813 33
Merchants' bank, Boston	838,684 05
Commonwealth bank, Boston	1,009,731 52
Bank of Burlington, Vermont	52,893 48
Farmers and Mechanics' bank, Hartford	66,330 89
Mechanics' bank, New Haven	41,315 06
Arcade bank, Providence	113,982 08
Mechanics and Farmers' bank, Albany, N. York	216,659 62
Manhattan company, New York	3,512,791 44
Bank of America, New York	3,708,714 20
Mechanics' bank, city of New York	3,816,261 80
Girard bank, Philadelphia	2,540,910 64
Moyamensing bank, Philadelphia	510,052 25
Union bank of Maryland, Baltimore	906,424 91
Franklin bank, Baltimore	344,388 74
Bank of the Metropolis, Washington	181,486 90
Bank of Virginia, Richmond	108,511 26
Branch of bank of Virginia, Petersburg	14,564 76
Branch of bank of Virginia, Norfolk	127,633 55
Bank of North Carolina, Raleigh	83,682 07
Planters and Mechanics' bank, Charleston	287,968 42
Planters' bank of Georgia, Savannah	195,812 48
Bank of Augusta, Georgia	177,870 89
Branch bank of Alabama, Mobile	1,694,464 16
Union bank of Louisiana, New Orleans	1,143,652 35
Commercial bank, New Orleans	1,177,634 50
Merchants and Manufacturers' bank, Pittsburgh	51,095 72
Clinton bank, Columbus, Ohio	394,077 52
Franklin bank, Cincinnati	191,543 72
Commercial bank, Cincinnati	395,135 13
Agency of do. at Louis	1,471,157 75
Louisville Savings institution	474,592 83
Branch bank of Indiana, Indianapolis	868,672 30
Do. do. New Albany	352,645 75
Do. do. Richmond	168,918 24
Union bank of Tennessee, Nashville	34,916 61
Planters' bank of Mississippi, Natchez	2,649,586 24
Bank of Michigan, Detroit	960,364 35
Farmers and Mechanics' bank, Detroit	702,380 03
	$31,805,155 76

In addition to the above amount, there is, at the credit of the treasurer, in the Union bank of Tennessee, received, on account of sales of Chickasaw lands, the sum of 446,000 dollars; which is to be invested for the benefit of the Chickasaw Indians, agreeably to the stipulations of the treaty.

Treasury of the United States, April 15, 1836.

JOHN CAMPBELL, *treasurer.*

Hon. *Levi Woodbury, secretary of the treasury.*

REPORT FROM THE SECRETARY OF WAR.

The following is the report of the secretary of war, transmitted to the senate by the president of the United States on the 8th instant, in compliance with resolutions adopted by that body on the 18th February, requesting information of the probable amount of appropriations that would be necessary to place the land and naval defences of the country upon a proper footing of strength and respectability.

Department of war. April 7, 1836.

SIR: In conformity with your instructions, I have the honor to transmit reports from the engineer and ordnance departments, furnishing so much of the information as required by the resolution of the senate of February 18, 1836, as relates to the fortifications of the country, and to a supply of the munitions of war. The former branch of this subject has required laborious investigations on the part of the officers charged with this duty, and their report has therefore been longer delayed than, under other circumstances, would have been proper; but the whole matter was too important to have the interests involved in it sacrificed to undue precipitancy.

The engineer report was received at the department on Friday last, and I have embraced such portions of the intervening time as other official calls and a slight indisposition would allow me to devote to its examination. I did not consider that any suggestions I could make would justify a further delay at this advanced stage of the session, while, at the same time, I am aware that this letter will need all the allowance which these circumstances can claim for it.

It is obvious that, in the consideration of any general and permanent system of national defence, comprehensive views are not only necessary, but professional experience and a knowledge of practical details: such information, in fact, as must be obtained by long and careful attention to the various subjects which form the elements of this inquiry. Although, therefore, I do not concur in all the suggestions contained in these reports, and more particularly in those which relate to the nature and extent of some of our preparations, still, I have thought it proper to lay them before you, rather than to substitute any peculiar views of my own for them. Both furnish facts highly interesting to the community; and if they anticipate dangers which it may be thought are not likely to happen, and suggest preparations which future exigencies will not probably require, they are still valuable documents, presenting the necessary materials for the action of the legislature. The report from the engineer department, in particular, evinces an accurate knowledge of the whole subject, while, at the same time, its general views are sound and comprehensive. I consider it a very able document.

Under these circumstances, I have thought it proper to submit some general remarks, explanatory of my own views, concerning a practical system of defence, and which will show how far the plans and details are in conformity with my opinion. I feel that this course is due to myself.

I shall confine my observations to the maritime frontier. Our inland border rests, in the south west and north east upon the possessions of civilized nations, and requires defensive preparations to meet those contingencies only, which, in the pre-

sent state of society, we may reasonably anticipate. In the existing intercourse of nations, hostilities can scarcely overtake us so suddenly as not to leave time to move the necessary force to any point upon these frontiers, threatened with attack. I am not aware of any peculiar position upon either of these lines of separation which commands the approaches to the country, or whose possession would give much superiority to an invading or defensive force. In fact, the division is, in both cases, an artificial line, through much of its extent, and a portion of the natural boundary offers scarcely any impediment to military operations. Under such circumstances, it seems altogether inexpedient to construct expensive fortifications, which would do little more than protect the space under cover of their guns; which are not required as places of depot; which guard no avenue of communication, and which would leave the surrounding country penetrable in all directions. Without indulging in any improper speculations concerning the ultimate destiny of any portion of the country in juxtaposition with us, or looking for security to any political change, we may safely anticipate that our own advance in all the elements of power will be at least equal to that of the people who adjoin us; nor does the most prudent forecast dictate any precautions, founded upon the opinion that our relative strength will decrease and theirs increase. The lake frontier, indeed, presents some peculiar considerations; and I think the views submitted by the engineer department, respecting Lake Champlain, are entitled to much weight. This long narrow sheet of navigable water opens a direct communication into the states of New York and Vermont, while its outlet is in a foreign country, and is commanded by a position of great natural strength. It is also within a few miles of the most powerful and populous portion of Canada, and open to all its resources and energies. With a view, perhaps, to possible rather than to probable events, it may be deemed expedient to construct a work at some proper site within our boundary, which shall close the entrance of the lake to all vessels descending its outlet. As such a work, however, would be an advanced post, and, from circumstances, peculiarly liable to attack, its extent and defences should be in proportion to its exposure.

There is already a considerable commercial marine upon the four great lakes, Ontario, Erie, Huron and Michigan, which are open to the enterprise of our citizens; and this will increase with the augmenting population which is flowing in upon the regions washed by these internal seas. It is obvious that, from natural causes, the physical superiority will be found upon the southern shores of these lakes. The resolution of the senate embraces the inquiry into the expediency of constructing permanent fortifications in this quarter. And this inquiry properly divides itself into two branches:

1st. The policy of fortifying the harbors upon the lakes; and

2d. The policy of commanding, by permanent works, the communications between them.

Both of these measures presuppose that the naval superiority upon these waters may be doubtful. But it is difficult to foresee the probable existence of any circumstances which would give this ascendency to the other party. It is unnecessary to investigate the considerations which bear upon this subject, as they are too obvious to require examination. They are to be seen and felt in all those wonderful evidences of increase and improvement which are now in such active operation. A victorious fleet upon these lakes could disembark an army at almost any point. If a harbor were closed by fortifications, they would only have to seek the nearest beach, and land their men from boats, so that no defences we could construct would secure us against invasion; and temporary block houses and batteries would probably be found sufficiently powerful to repel the attacks of any vessels seeking to enter the narrow harbors upon the lakes, if we could foresee the existence of any circumstances which would induce an enemy to endeavor to force an entrance into them.

As to the communication between the lakes, the inquiry from geographical causes, is necessarily restricted to that from Lake Erie to Lake Huron, and to the straits of Michilimackinac. Of the former, almost sixty miles consists of two rivers, completely commanded from their opposite banks, while the entrance into one of these, the river St. Clair, is impeded by a bar, over which there is but about eight feet of water. No armed vessel could force their way up these rivers while the shores were in an enemy's possession, who might construct batteries at every projecting point, and who, in fact, might in many places sweep the decks with musketry. As to the straits of Michilimackinac, they are too broad to be commanded by stationary fortifications, even if any circumstances should lead to the construction and equipment of a hostile fleet upon the bleak and remote shores of Matchedask bay, in the north eastern extremity of Lake Huron.

I am therefore of opinion that our lake frontier requires no permanent defences, and that we may safely rely for its security upon those resources, both in the *personnel* and *materiel*, which the extent and other advantages our country insure to us, and which must give us the superiority in that quarter.

It may, perhaps, be deemed expedient to establish a *depot* for the reception of munitions of war in some part of the peninsula of Michigan, and to strengthen it by such defences as will enable it to resist any *coup de main* which may be attempted. From the geographical features of the country, our possessions here recede from their natural points of support, and are placed in immediate contact with a fertile and populous part of the neighboring colony. In the event of disturbances, the ordinary communications might be interrupted, and it would probably be advisable to have in deposite a supply of all the necessary means for offensive or defensive operations, and to place these beyond the reach of any enterprising officer who might be disposed, by a sudden movement, to gain possession of them. The expenditure for such an object would be comparatively unimportant, even should the contingency be judged sufficiently probable to justify precautionary measures.

I had the honor, in a communication to the chairman of the committee on military affairs of the senate, dated February 19, 1836, a copy of which was sent to the chairman of the committee on military affairs of the house of representatives, to suggest the mode best adapted, in my opinion, to secure our frontier against the depredations of the Indians. The basis of the plan was the establishment of a road from some point upon the Upper Mississippi to Red river, passing west of Missouri and Arkansas, and the construction of posts in proper situations along it. I think the ordinary mode of construction ought not to be departed from. Stockaded forts, with log block-houses, have been found fully sufficient for all the purposes of defence against Indians. They may be built speedily, with little expense, and, when necessary, by the labor of the troops. Our Indian boundary has heretofore been a receding, not a stationary one, and much of it is yet of this character. And even where we have planted the Indians who have been removed, and guarantied their permanent occupation of the possessions assigned to them, we may find it necessary, in the redemption of the pledge we have given to protect them, to establish posts upon their exterior boundary, and thus prevent collisions between them and the ruder indigenous tribes of that region. I think, therefore, that no works of a more permanent character than these should be constructed upon our frontier. A cordon established at proper distances upon such a road, with the requisite means of operation deposited in the posts, and with competent garrisons to occupy them, would, probably, afford greater security to the advanced settlements than any other measures in our power. The dragoons should be kept in motion along it during the open season of the year, when Indian disturbances are most to be apprehended, and their presence and facility of movement would tend powerfully to restrain the predatory disposition of the Indians; and if any sudden impulse should operate or drive them into hostilities, the means of assembling a strong force, with all necessary supplies, would be at hand. And as circumstances permit, the posts in the Indian country, now in the rear of this proposed line of operations, should be abandoned, and the garrisons transferred to it.

But it is upon our maritime frontier that we are most exposed. Our coast for three thousand miles is washed by the ocean, which separates us from those nations who have made the highest advances in all the arts, and particularly in those which minister to the operations of war, and with whom, from our intercourse and political relations, we are most liable to be drawn into collision. If this great medium of communication, the element at the same time of separation and of union, interposes peculiar obstacles to the progress of hostile demonstrations, it also offers advantages which are not less obvious, and which, to be successfully resisted, require corresponding arrangements and exertions. These advantages depend on the economy and facility of transportation, on the celerity of movement, and on the power of an enemy to threaten the whole shore spread out before him, and to select his point of attack at pleasure. A powerful hostile fleet upon the coast of the United States presents some of the features of a war, where a heavy mass is brought to act against detachments which may be cut up in detail, although their combined force would exceed the assailing foe. Our points of exposure are so numerous and distant that it would be impracticable to keep, at each of them, a force competent to resist the attack of an enemy, prepared, by his naval ascendancy and his other arrangements, to make a sudden and vigorous inroad upon our shores. It becomes us, therefore, to inquire how the consequences of this state of things are to be best met and averted.

The first and most obvious, and in every point of view the most proper method of defence, is an augmentation of our naval means to an extent proportioned to the resources and the necessities of the nation. I do not mean the actual construction and equipment of vessels only; the number of those in service must depend on the state of the country at a given period; but I mean the collection of all such materials as may be preserved without injury, and a due encouragement of those branches of interest essential to the growth of a navy, and which may be properly nurtured by the government; so that, on the approach of danger, a fleet may put to sea, without delay, sufficiently powerful to meet any force which will probably be sent to our coast.

Our great battle upon the ocean is yet to be fought, and we shall gain nothing by shutting our eyes to the nature of the struggle, or to the exertions we shall find it necessary to make. All our institutions are essentially pacific, and every citizen feels that his share of the common interest is affected by the derangement of business, by the enormous expense, and by the uncertain result of a war. This feeling presses upon the community and the government, and is a sure guaranty that we shall never be precipitated into a contest, nor embark in one, unless imperiously required by those considerations which leave no alternative between resistance and dishonor. Accordingly, all our history shows that we are more disposed to bear

while evils ought to be borne, than to seek redress by appeals to arms; still, however, a contest must come, and it behooves us, while we have the means and the opportunity, to look forward to its attendant circumstances, and to prepare for the consequences.

It is no part of my object to enter into the details of a naval establishment. That duty will be much more appropriately and ably performed by the proper department; but as some of the views I shall present on the subject of our system of fortifications must be materially affected by any general plan of naval operations which, in the event of hostilities, might be adopted, I am necessarily led to submit a few remarks, not professional, but general, upon the extent and employment of our military marine.

There is as little need of inquiry now into our moral as into our physical capacity to maintain a navy, and to meet upon equal terms the ships and seamen of any other nation. Our extended commerce, creating and created by those resources which are essential to the building and equipment of fleets, removes all doubt upon one point: and the history of our naval enterprise, from the moment when the colors were first hoisted upon the hastily prepared vessels, at the commencement of our revolutionary struggle, to the last contest in which any of our ships have been engaged, is equally satisfactory upon the other. The achievements of our navy have stamped its character with the country and the world. The simple recital of of its exploits is the highest eulogium which can be pronounced upon it.

With ample means, therefore, to meet upon the ocean, by which they must approach us, any armaments that may be destined for our shores, we are called upon by every prudential consideration to do so. In the first place, though all wars in which we may be engaged will probably be defensive in their character, undertaken to resent or repel some injury or to assert some right, and rendered necessary by the conduct of other nations, still the objects of the war can be best attained by its vigorous prosecution. Defensive in its causes, it should be offensive in its character. The greater injury we can inflict upon our opponent, the sooner and more satisfactory will be the redress we seek. Our principal belligerent measures should have for their aim to attack our antagonist where he is most vulnerable. If we are to receive his assaults, we abandon the vantage ground; and endeavor, in effect, to compel him to do us justice, by inviting his descent upon our shores, and by all those consequences which mark the progress of an invading force, whether for depredation or for conquest. By the ocean only can we be seriously assailed, and by the ocean only can we seriously assail any power with which we are likely to be brought into collision.

But, independently of the policy of making an adversary feel the calamities of war, it is obvious that, even in a defensive point of view alone, the ocean should be our great field of operations. No one would advocate the project of endeavoring to make our coast impervious to attack. Such a scheme would be utterly impracticable. A superior fleet, conveying the necessary troops, could effect a landing at numerous points upon our shores, even if the best devised plan of fortifying them were consummated. And, from the nature of maritime operations, such a fleet could bring its whole strength to bear upon any particular position, and, by threatening or assailing various portions of the coast, either anticipate the tardy movements of troops upon land, and effect the object before their concentration, or render it necessary to keep in service a force far superior to that of the enemy, but so divided as to be inferior to it upon any given point. These dangers and difficulties would be averted or avoided by the maintenance of a fleet competent to meet any hostile squadrons which might be detached to our seas. Our coast would thus be defended on the ocean, and the calamities of war would be as little felt as the circumstances of such a conflict would permit.

As to the other advantages of a navy, in the protection of commerce, they do not come within the scope of my inquiries, and are not therefore adverted to. Nor is it necessary or indeed proper that I should present those considerations of distance, of exposure and of station, which would render a fleet numerically inferior, in the aggregate, to that of the enemy, yet still sufficiently powerful, upon our own coasts, to meet and overcome any armament which could probably be sent here.

It seems to me, therefore, that our first and best fortification is the navy. Nor do I see any limit to our naval preparations, except those imposed by a due regard to the public revenues, from time to time, and by the probable condition of other maritime nations. Much of the *materiel* employed in the construction and equipment of vessels is almost indestructible, or, at any rate, may be preserved for a long series of years; and if ships can be thus kept without injury upon the stocks, by being built under cover, I do not see what should restrain us from proceeding to build as many as may be deemed necessary, and as fast as a due regard to their economical and substantial construction will permit, and to collect and prepare for immediate use all the munitions of war, and other articles of equipment not liable to injury or decay by the lapse of time. Nor do I see that these preparations should be strictly graduated by the number of seamen who would probably enter the service at this time, or within any short period. To build and equip vessels properly requires much time, as well with reference to the execution of the work as to the proper condition of the materials employed. And the costly experiment made by England, when she too hastily increased her fleet, about thirty years ago, by building ships with improper materials and bad workmanship, ought to furnish us with a profitable lesson. These vessels soon decayed, after rendering very little service. Naval means should therefore be provided at a period of leasure, to be ready for immediate employment in a period of exigency; and a due regard to prudence dictates that these means should so far exceed the estimated demands of the service as to supply, in the shortest time, any loss occasioned by the hazards of the ocean and the accidents of war. We may safely calculate that the number of seamen in the United States will increase in proportion to that rapid augmentation which is going on in all the other branches of national interest. If we assume that, at a given period, we may expect to embark in war, our capacity to man a fleet will exceed our present means by a ratio not difficult to ascertain. And even then, by greater exertions, and perhaps higher wages, a larger portion may be induced to enter the naval service, while no exertions can make a corresponding addition to the navy itself, but at a loss of time and expense, and a sacrifice of its permanent interest.

But whatever arrangements we may make to overcome any naval armaments sent out to assail us, we are liable to be defeated and to be exposed to all the consequences resulting from the ascendency of an enemy. And the practical question is, what shall be done with a view to such a state of things? As I have already remarked, any attempt by fortifications to shut up our coast, so that an enterprising foe with a victorious fleet conveying a competent force, and disposed to encounter all the risk of such an expedition, could not make his descent upon the shore, would be useless in itself, and would expose to just censure those who should project such a scheme. And on the other hand, the government would, if possible, be still more censurable, were our important maritime places left without any defensive works. Between these extremes is a practical medium, and to ascertain where it lies we must briefly look at the various considerations affecting the subject.

What have we to apprehend in the event of a war? Is it within the limits of a reasonable calculation, that any enemy will be able and disposed to debark upon our coast an army sufficiently powerful to lay siege to our fortifications, and to endeavor, by this slow and uncertain process, to obtain possession of them? I put out of view the enormous expense attending such a plan; the distance of the scene of operations from the points of supply and support, with the consequent difficulties and dangers, and the possibility that the convoying fleet might be overpowered by a superior force, and the whole expedition captured or destroyed. All these are considerations which no prudent statesman, directing such an enterprise, will overlook. But beyond there is a question bearing more directly upon the point under examination. Is there any object to be attained, sufficiently important to justify the risk of placing a body of land troops before one of these works, too strong to be carried by a *coup de main*, and endeavoring to destroy its defences by a regular investment? I think there can be none.

I take it for granted that no nation would embark in the Quixotic enterprise of conquering this country. Any army, therefore, thrown upon our coast, would push forward with some definite object, to be attained by a prompt movement, and by vigorous exertions. Our experience, more than half a century ago, demonstrated that an invading force could command little more than the position it actually occupied. The system of fortifications adopted in Europe is not applicable to our condition. There military movements must be made upon great avenues of communication, natural or artificial, and these are closed or defended by fortresses constructed with all the skill that science and experience can supply, and with all the means that wealth and power can command. An invading army must carry these positions by escalade or by siege, or leave sufficient detachments to blockade them, or must turn them and move on with all the difficulties attending the interruption of their communication, and with the dangers which such a force in their rear must necessarily occasion. Works of this character are keys to many of the European states, whose political safety depends upon their preservation. Their possession enables their governments to meet the first shock of war, and to prepare their arrangements, political or military, to resist or avert the coming storm. And, although, during some of the wars which arose out of the French revolution, when, from causes which history is now developing, the armies of France set at defiance the received maxims of military experience, and, justifying their apparent rashness by success, reduced, with unexampled facility, or carried on their operations almost in contempt of, the strongest fortifications, the subjugation of each of which had been, till then, the work of a campaign, still the opinion is yet entertained by many, that this system of defence is best adapted to the condition of the European community.

There is also a striking difference between the political situation of those countries and that of ours, which gives to these defensive preparations a character of importance which can never apply to the United States. The possession of a capital in the eastern hemisphere is too often the possession of the kingdom. Habits of feeling and opinion, political associations, and other causes, combine to give to the metropolis an undue ascendency. Internal parties contending for superiority, and external enemies aiming at conquest, equally seek to gain possession of the seat of government. And the most careless observer of the events of the last half century must be struck with the fact that the fate of the capitals and the kingdoms of mo-

dern Europe are closely connected together. Under such circumstances, it may be prudent by powerful fortresses to bar the approaches to these favored places, and frequently to construct works to defend them from external attack, or to maintain their occupation against internal violence.

But there is nothing like this in our country, nor can there be till there is a total change in our institutions. Our seats of government are merely the places where the business of the proper departments is conducted, and have not themselves the slightest influence upon any course of measures, except what is due to public opinion and to their just share of it. If the machine itself were itinerant, the result would be precisely the same. Or if, by any of the accidents of war or pestilence, the proper authorities were compelled to change their place of convocation, the change would be wholly unobserved, except by the few whose personal convenience would be affected by the measure. Nor have our commercial capitals any more preponderating influence than our political ones. And although their capture by an enemy, and the probable loss of property and derangement of business which would be the result, might seriously affect the community, yet it would not produce the slightest effect upon the social or political systems of the country.—The power belongs to all, and is exercised by all.

It follows, therefore, that an enemy could have no inducement to hazard an expedition against any of our cities, under the expectation that their capture and possession would lead to political results favorable to them. Washington may indeed be taken again, and its fall would produce the same emotion which was every where felt, when its former capture was known.—But an enemy would retire from it with as few advantages as marked its first abandonment, and, if his course were the same, with as few laurels as he won by its possession. I make these remarks, because it seems to me that some of the principles of the European system of fortifications may possibly be transferred to this country, without sufficient attention having been given to those circumstances, both geographical and political, which require a plan exclusively adapted to our own condition.

I consider some of the existing and projected works larger than are now necessary, and calculated for exigencies we ought not, with the prospects before us, to anticipate. If such is the fact, the objection is not only to the expense of their construction and preservation, but also to the greater difficulty of defending them, and the increased garrisons which must be provided and maintained. The hypothesis upon which their extent has been determined, is, that they may be exposed to investment, both seaward and landward, and that they ought to be capable of resisting a combined attack, or, in other words, that their water batteries should be sufficient to repel an assailing squadron, and that their land defences should be sufficient to resist a besieging army.

It is certain that whatever works we erect should be so constructed as to be beyond the reach of any *coup de main* that would probably be attempted against them. And this capacity must depend upon their exposure and upon the facility with which they can be relieved. But this proposition is far different from one to construct them upon a scale of magnitude which presupposes they are to be formally invested by a powerful land force, and which provides for their ability to make a successful resistance. A dashing military or naval officer may be willing to risk something to get possession of an insulated post by a prompt movement, expecting to accomplish his enterprise before his adversary can be prepared, or succor obtained; and this, even when he looks to no other advantage than the capture of the garrison, and the effect which a brilliant exploit is calculated to produce; and when he is aware that he must abandon his conquest with as much celerity as he attained it. But formal investments of fortified places, with all their difficulties, and expense, and uncertainty, are only undertaken when there is some object of corresponding importance to be expected. We have works constructed, which it would require armies to reduce. Have we any reason to anticipate that they will be assailed by a force proportioned to their magnitude?

I have already remarked that a European power cannot expect to retain permanent possession of any part of this country. If, therefore, he succeed in overcoming or eluding our fleets, and is prepared with a respectable land force, and ready to risk its employment upon our territory, he can land at many points which we cannot close against him. His debarkation is not a question of practicability, but of expediency. If a safe harbor or roadstead offer itself, and there is no defensive work to prevent his approach, he will, of course, land at the nearest point to the object of his marauding enterprise. If there is such a work, it will be a question of calculation whether it is better to attack and carry it, or to seek another, though more distant point of debarkation. I think there can be little doubt but there are few, if any, positions in our country which an enemy would not, under such circumstances, avoid. He would be aware of the facility of communication which our rivers, canals and rail roads afford, of the powerful use we should be prepared to make of steam in its various forms of application, and of the immense force which, in a short time, could be concentrated upon a given point; and it is scarcely within the limits of possibility that he would venture, formally, to besiege one of our forts, or, if he did, that he would not repent his rashness. Neither the co-operation of his fleet, nor the nearer proximity of the place of landing to the object of attack, would induce him to seek these advantages at the cost which must attend the slow process of besieging a fort, when, by removing to another position, he would land in safety, and save in time, in promptness of movement, and in his escape from the perils of a doubtful contest, more than he would lose by the difference in distance.

I am aware it may be objected that the weakness of a work might tempt an enemy to attack it, and that it may be supposed the power of some of our fortifications to resist a siege may hereafter furnish the true reason why they may not be compelled to encounter one. Certainly the stronger a work is, the less will it be exposed to danger. But this would not furnish a sufficient reason for making its defences out of reasonable proportion to its exposure. The true inquiry is, what circumstances will probably induce and enable an enemy to assail a given point, and with what force; and how can we best meet and repel him? And I believe a just consideration of this proposition will lead to the conclusion that there are scarcely any positions in our country where an enemy would venture to set down before a work too strong to resist a *coup de main*. In the view, therefore, which I take of this whole subject, it will be perceived that I do not merely suppose an enemy will not invest our larger works, but that they would not do so were these works much inferior to what they are, both in their dimensions and construction.

What object would justify an enemy in attempting to land an army upon our coast? He would not expect to lay waste the country, for such a mode of warfare is not to be anticipated in the present state of society. All that, under the most favorable circumstances, he could accomplish, would be to gain sudden possession of a town and levy contributions, or to destroy a naval establishment, commercial or military, and precipitately retire to his ships before his operations could be prevented, or his retreat intercepted. I cannot, therefore, concur in the suggestion made in the engineer report, that the first of the three great objects to be attained by the fortifications of the first class should be to "prevent an enemy from forming a permanent or even a momentary establishment in the country." It is not suited to the present and prospective situation of the United States. I understand the establishments herein contemplated are not the temporary occupation of naval arsenals and cities for the purpose of destruction or plunder, because these objects are specially enumerated, but are lodgments, where armies may be stationed, and whence they may issue to commit inroads into the country.

I refer, in these remarks, to our maritime coast generally. There are, no doubt, certain points less equal to self-defence than others, and where the preparation must be greater. Of this class is the delta of the Mississippi, not only in consequence of its many avenues of approach, but because its great natural highway does not, at present, allow those lateral supplies of the *personnel*, which, from geographical formation and from the state of the settlements, can be speedily thrown upon most other points of the country. This region, however, is admirably adapted to the use of steam batteries, and they will form its principal means of defence.

To apply these remarks to the plan of fortifications partly completed and partly projected. Fort Monroe, at Old Point Comfort, covers about sixty-three acres of ground, and requires, by the estimates of the engineer department, two thousand seven hundred men to garrison it in time of war. Its full armament consists of 412 pieces of different descriptions and calibre. I have been desirous of comparing its superficial extent with some of the European fortresses; but the necessary information could not be obtained within the short time that could be allowed for the inquiry. I understand from general Gratiot, however, that it is probably larger than almost any of the single works in Europe which do not enclose towns within their circuit. Drinkwater, in his history of the siege of Gibraltar, states that 572 guns were mounted upon that fortress.

The object to be attained by Fort Monroe, in conjunction with Fort Calhoun, intended to mount 232 guns, is to prevent an enemy from entering Hampton roads, a safe and convenient roadstead. This object is important, because this bay is perfectly landlocked, and has sufficient depth of water for the largest vessels, and is, withal, so near the capes of the Chesapeake that it furnishes the best station which an enemy could occupy for annoying our commerce, and for committing depredations upon the shores of that extensive estuary. But these works do not command the entrance into the Chesapeake; nor is Hampton roads the only safe anchorage for a hostile fleet. Their possession, therefore, does not exclude an enemy from these waters, though they will compel him to resort to less convenient positions from whence to carry on his enterprises. A hostile squadron reaching the Chesapeake, and finding the entrance into Hampton roads guarded by sufficient works, though much less extensive than those at Fort Monroe, would necessarily consider whether the possession of that roadstead is so important as to justify the debarkation of a large body of land troops, and to attempt to carry the works by regular approaches; and this in the face of the strenuous efforts which would be made to relieve it by all the aids afforded by the most improved facilities of communication, and by the light and heavy steam-batteries which, upon the approach of war, would be launched upon the Chesapeake, and which during periods of calm or in certain winds, could approach the hostile ships, and drive them from their anchorage or compel them to surrender, and most of which, from their draught of water, could take refuge in the inlets that other armed vessels could not

enter. And even if the works were carried, they could not be maintained without the most enormous expense, nor in fact without efforts which no government three thousand miles off could well make; and all this while Lynnhaven bay, York bay, the Rappahannock, Tangier island, the mouth of the Potomac, and many other places, furnish secure anchorage, and are positions from which an enemy, having the superiority, could not be excluded, and while, in fact, a great part of the Chesapeake may be considered as affording good anchorage ground for large ships. Neither of them is equal to Hampton roads, but most, or all of them furnish stations for occupation and observation which would render it unnecessary to purchase the superior advantages of Hampton roads, by the sacrifice and hazard which would attend the effort. The occlusion of this roadstead does not secure Norfolk, important as it is, from its commerce and navy yard; it only prevents the access of ships of war to it; and against these there is an interior line of defence, which may be considered as accessory to, and, if necessary, independent of, the other. And a land force, deeming the destruction of the navy yard at Norfolk a sufficient object to justify such an expedition, would not sit down before Fort Monroe, if its scale of defence were far inferior to what it now is, but would debark at Lynnhaven bay, where there is no impediment, and march in five or six hours through an open country to Norfolk.

New York is, in every point of view, our most important harbor, and its defences should provide for every reasonable contingency. The engineer report recommends three classes of works: an exterior one for the protection of the harbor; an interior one to shut up Raritan bay; and a third to prevent a hostile fleet from approaching the city through the sound, nearer than the vicinity of Throg's point. The importance of the first class cannot be doubted. That of the second depends on the value of Raritan bay to an enemy as an anchorage ground, and on the utility of excluding him from a landing at Gravesend bay, upon Long Island, whence an army could march, without obstruction, to Brooklyn and New York. The third is proposed to be erected, in order to bar his access to the lower part of the sound, or, more accurately speaking, to prevent his reaching Hell-gate, a natural barrier, which no fleet could pass, and which is within ten miles of the city. Here, if his aim were New York, he would land, and would find no works to prevent his approach. The two forts proposed to be erected at Throg's neck and Wilkins's point, eight miles further up the sound, would compel him to debark beyond the reach of their guns, and would thus add that distance to his march, while, on the north shore, Harlæm river would be interposed between him and the city. On the Long Island side there would be no difference but that occasioned by the distance.

It is obvious, then, that, in the consideration of this plan, involving an estimated expenditure, in the aggregate, of $5,807,969, and efficient garrisons, in time of war, of nine thousand men, a close investigation should be made into all the circumstances likely to influence the operations of an enemy. Is the anchorage ground between the Narrows and Sandy Hook of sufficient value to an enemy, looking to the risk of his occupation of the coast, and to the doubts that may be reasonably entertained of the result of so great an experiment, to be carried on, in fact, in the sea, to authorise the commencement of these works without a new examination? Or is the probability of the disembarkation of an army at Gravesend bay, in preference to some other point upon the coast of Long Island, if a convenient one exists, so great as to require these preparations? The same questions may be asked respecting Wilkins's point. The work at Throg's point is in the process of construction; and as the river is only about three-fourths of a mile wide at this place, I think its completion would be sufficient for this line of defence till the proposed general examination can take place.

The situation of New York affords a fine theatre for the operation of floating batteries; and whether a sufficient number of them would secure it from the designs of an enemy, better than the full completion of the extensive system of permanent fortifications recommended, is a question deserving investigation. Such an investigation I recommend; and after all the necessary facts and considerations are presented, the government should proceed to place this commercial metropolis of the country in a state of security.

The works at Newport cover about twenty acres, and will mount 468 guns, and will need for their defence about two thousand four hundred men. I cannot, myself, foresee the existence of any circumstances which now call for a fortress of this magnitude in the very heart of New England, constructed, not merely to command the harbor of Newport, but to resist a siege which would probably, require nearly twenty thousand men to carry it on. I am at a loss to conjecture what adequate motive could induce a foreign government to detach a fleet and army upon this enterprise. The expense would be enormous. The French army that invaded Egypt was less than 40,000 men, and required for its protection and transportation between 500 and 600 vessels. The army that conquered Algiers was about equal in force, and required, it is said, about 400 transports, besides the ships of war. This scale of preparation for enterprises against the shores of the Mediterranean may enable us to form some conception of the arrangements that would be necesary to send across the ocean to this country, in the present day of its power, an expedition strong enough to form an establishment upon our shores, and to furnish it with supplies necessary to its subsistence and operations.

It has been supposed, indeed, by the board of engineers, that an army would find sufficient reason for the occupation of Rhode Island in the consideration that it would afford a secure lodgment whence expeditions could be sent to every part of our coast. But it is to be observed that no part of Narragansett bay is necessary for the safety of a hostile fleet, watching that part of our coast. Gardiner's bay, in that vicinity, is a most safe and convenient station, which was occupied by the British during almost the whole of the late war; and it is pretty clear that it cannot be defended by any stationary fortifications that can be constructed. If it can, by floating batteries, so may Narragansett bay, and the enemy thus be prevented from occupying the latter also, without these extensive arrangements, requiring, after Fort Adams shall have been completed at an expense of one million three hundred and twelve thousand dollars, four other forts, and a sea-wall to be constructed, and eleven hundred and fifty-seven thousad dollars to be expended.

I do not think that the most prudent forecast ought to lead to the apprehension that a force competent to seize such a position would be sent to our country, or that any circumstances could enable them to maintain it in the face of the vigorous efforts that would be made to recover it, and in the midst of a country abounding in all the means to give effect to their exertions. But perhaps the most striking objection to the completion of this extensive plan is, that, under no possible circumstance, can it effect the desired object. That object, if I understand it, is not the mere exclusion of an enemy from Rhode Island, but it is to prevent him from taking possession of a safe and convenient position, whence he could detach his forces, by means of his naval superiority, to any other part of the coast which would thus be exposed to his depredations.

The value of Gardiner's bay as a place of naval rendezvous, I have already described. Block island, in its neighborhood, could be occupied by troops desiring only a lodgment; and so could Nantucket island and Martha's Vineyard, and these are only a few hours' sail from Narragansett bay. Buzzard's bay is also a safe and capacious harbor which cannot be defended, and Martha's Vineyard sound affords commodious places of anchorage. A fleet riding in these moorings would have under its command all the islands in this group, and could secure its communications with its land forces, encamped upon them, which would thus be enabled, at any proper time, to throw itself upon other parts of the coast. It may be doubted, if there were not a cannon mounted upon Rhode Island, whether an enemy, acquainted with the topography and resources of this country, would select it as his place of arms, if I may so term it, when there are islands in the neighborhood which would answer this purpose nearly as well, and where he would be in perfect safety as long as he could maintain his naval ascendency; and longer than that he could not, under any circumstances, occupy Rhode Island. And if I rightly appreciate the strength and spirit of that part of the country, his tenure, in any event, would be short and difficult. I do not mean to convey the idea that Rhode Island should not be defended. I think it should be; but I do not think that precautions should be taken against events which are not likely to happen. As there is no naval establishment here, it is not necessary to enter into any question concerning defensive arrangements exclusively connected with that object.

It will be perceived, also, that it is proposed to fortify Mount Desert island, on the coast of Maine, and that the expense is estimated at five hundred thousand dollars, and the number of the garrison competent to maintain it at one thousand men. This proposition is founded, not on the value of this harbor to us, for it possesses little, and is, in effect, unoccupied, but on account of its importance to the enemy. Were there no other secure position they could occupy in that quarter, and which could not be defended, I should think the views submitted upon this branch of the subject entitled to great weight. But there are many indentations upon this coast, affording safe anchorage, and which are either not capable of being defended, or, from their great number, would involve an enormous expense, which no sound views of the subject could justify. An enemy, therefore, cannot be deprived of the means of stationing himself upon this coast. And before this expenditure of Mount Desert island is encountered, it ought to be clearly ascertained that the difference, in its practical advantages to an enemy, between the occupation of Mount Desert island and that of some of the other roadsteads in this quarter, incapable of defence, would be sufficiently great to warrant this measure. My present impression is, that it would not.

And on the subject of roadsteads, generally, with a few exceptions, depending on their local positions, I am inclined to the opinion that any attempt to fortify them would be injudicious. I do not speak of harbors and inlets which are occupied by cities and towns, but of mere anchorage grounds, deriving their value from the shelter they afford. If all could be defended, and an enemy excluded from them, the advantages would justify any reasonable expenditure. But this is impracticable; and I doubt whether the circumstances in which most of them differ, give such marked superiority to those we can defend over those we cannot, as to lead to any attempt to fortify them, in the first instance, and to maintain garrisons in them during a war.

I have adverted to these particular cases, in order to present my views more distinctly than I could do by mere general ob-

servations; certainly not from the remotest design of criticising the reports and the labors of the able professional men to whom the subject has been referred, nor of pursuing the investigation into any further detail.

I consider the duty of the government, to afford adequate protection to the seacoast, a subject of paramount obligation; and I believe we are called upon, by every consideration of policy, to push the necessary arrangements as rapidly as the circumstances of the country and the proper execution of the work will allow. I think every town large enough to tempt the cupidity of an enemy should be defended by works fixed or floating, suited local to its position, and sufficiently extensive to resist such attempts as would probably be made against it. There will, of course, after laying down such a general rule, be much latitude of discretion in its application. Upon this branch of the subject, I would give to the opinion of the engineer officers great and almost controlling weight, after the proper limitations are established. These relate, principally, to the magnitude of the works; and if I am correct in the views I have taken of this branch of the subject, a change in the system proposed is necessary. Works should not be projected upon the presumption that they are to be exposed to, and must be capable of resisting the attacks of a European army, with its battering train, and all its preparations for a regular siege. Neither our relative circumstances, nor those of any nation with which we shall probably be brought into conflict, can justify us in such an anticipation. All the defences should be projected upon a scale proportioned to the importance of the place, and should be calculated to resist any naval attack, and any sudden assault that a body of land troops might make upon them. But further than this, it appears to me we ought not to go. The results at Stonington, at Mobile point, at Fort Jackson and at Baltimore, during the late war, show that formidable armaments may be successfully resisted with apparently inferior means. These, indeed, do not furnish examples to be followed, as to the scale of our preparations; but they show what stationary batteries have done in our country against ships of war.

It is to be observed that the great object of our fortifications is to exclude a naval force from our harbors. This end they ought fully to answer; and in this problem there are two conditions to be fulfilled:

1st. That they be able to resist any naval batteries that will probably be placed against them; and

2d. That they be also able to resist any *coup de main* or escalade which might be attempted by land.

An open battery, under many circumstances, might fulfil the first condition, but not the second, and therefore these works should be closed and regularly constructed. It is not to be denied that the proper boundary between the magnitude and nature of the works necessary to attain the objects indicated, and those required to resist, successfully, a formal investment, will sometimes become a matter of doubt; nor that circumstances may not be stated which might induce an enemy to open his trenches against one of these works, because its capacity for defence was not greater. That capacity, however, with relation to the question under consideration, has a far more intimate connexion with the magnitude than with the form of the works, because, if unnecessarily large, they entail upon the country a serious evil in the increased means for their defence, independently of the additional expense in their construction. It is principally, therefore, in the latter point of view that I have presented the doubts which I have expressed upon this point.

Among the hypothetical cases heretofore stated by the board of engineers, was one which supposed that an army of twenty thousand men might be assembled upon one of the flanks of our coast, and that we ought to be prepared, at every important point, to resist the first shock of such a force. I have already glanced at the reasons, geographical, political, financial and prudential, which, in my opinion, leave little room to expect that any enemy will, hereafter, project an enterprise of this magnitude, so certain in its expense, so uncertain in its result, and so disproportioned to any object which could probably be attained. And the suggestion which was made by the board, of defending the city of Washington, by works erected near the mouth of the Patuxent, proceeds upon similar views. Our navy, our floating batteries, our means of communication and concentration, seem to me far better adapted to the defence of this city, than forts at the distance of nearly fifty miles, whose principal effect, if an enemy were resolved upon the enterprise, would be to compel him to make a *detour* in his expedition, or which would send him to some part of the coast of the bay between the Patuxent and Annapolis, or into the Potomac, where his descent would be uninterrupted, and where he would be but little, if any, further from Washington, than at the head of navigation of the Patuxent.

Even during the last war, when the navy of Great Britain rode triumphant upon the ocean, but one serious attempt was made to force an entrance into a fortified harbor, and that was unsuccessful. The greatest possible force which can be brought, and the greatest possible resistance which can be applied, do not constitute a practical rule for the construction of our fixed defences. Moral considerations must also have weight. Probabilities must be examined. The power of the permanent batteries is one of the elements of security. So are the dangers of dispersion, and shipwreck, and all the hazards of a distant expedition, as these must operate on the councils of any country meditating such an enterprise, the efforts of our navy, the co-operation of the floating defences, and the troops which may be ready to meet the enemy upon his debarkation or march.

In submitting these reflections, I am desirous only of discharging the duty confided to me. I am gratified that the whole subject will be presented for the consideration of congress in a systematic form, and that the principles of its future prosecution can now be settled. The plan originally devised was recommended upon great consideration, and, at the time its initiatory measures were adopted, was calculated for the state of the country. We had just come out of a severe struggle, and had felt the want of adequate preparation, and above all, we had seen and deplored the circumstances which gave the enemy undisturbed possession of the Chesapeake, and its disastrous consequences; and it was to be expected that our arrangements for future defence should be planned upon the then existing state of things. I imagine there were few who did not concur in this sentiment. Because, therefore, some of our works, from the wonderful advancement of the country in all the elements of power, and from the development of new means of annoyance, are larger than are found necessary at this time, still this does not bring into question the wisdom of the original measure. And, as it is, they are most valuable and useful; but the experience we have acquired may be profitably employed in re-examining the plans proposed for the prosecution of the system, and in inquiring whether the change which has taken place in the condition of the country will not justify a corresponding change in the nature of our preparations, and whether we may not depend more upon floating, and less upon stationary defences.

During the period which has intervened since the last war, we have nearly doubled in our population, and all our other resources have probably increased in a still greater ratio. Certainly, some of the facilities and means of defence are augmented beyond any rational expectations. The power of transporting troops and munitions of war has already opened new views upon this subject; and such is the progress and probable extent of the new system of intercommunication, that the time will soon come when almost any amount of physical force may be thrown, in a few hours, upon any point threatened by an enemy. Nashville may succor New Orleans in sixty hours; Cincinnati may aid Charleston in about the same time, Pittsburgh will require but twenty-four hours to relieve Baltimore, and troops from that city and from Boston may leave each place in the morning, and meet in New York in the evening. This wonderful capacity for movement increases, in effect, some of the most important elements of national power. It neutralizes one of the great advantages of an assailing force, choosing its point of attack, and possessing the necessary means of reaching it. Detachments liable, under former circumstances, to be cut off in detail, may now be concentrated without delay, and most of the garrisons upon the seabord may be brought together, and, after accomplishing the object of their concentration, be returned to their stations in time to repel any attack meditated against them.

The improvements which are making in the application of steam, have furnished another most important agent in the work of national protection. There can be but little doubt that floating batteries, propelled by this agent, will be among the most efficient means of coast defence. In our large estuaries, such as the bays of New York, of the Delaware, and of the Chesapeake, they will be found indispensable; and one of the most important advantages to be anticipated from the works at Old Point Comfort is the security they will afford to the floating batteries co-operating with them, and which will find a secure shelter in Hampton roads. A hostile fleet, about to enter the Chesapeake, would certainly calculate the means of annoyance to which it would be exposed by these formidable vessels. During a calm they would take a distant position, insuring their own safety, while, with their heavy guns, they might cripple and destroy the enemy; and their power of motion would enable them, under almost all circumstances, to approach the fleet, and to retire, when necessary, where they could not be pursued. I think it doubtful whether a squadron would anchor in the Chesapeake, or proceed up it, if a competent number of these batteries were maintained and placed in proper positions.

These considerations may well lead us to doubt the necessity of such extensive permanent works, while their non-existence at the time the system was adopted justifies the views which then prevailed; and without advancing any rash conjecture, we may anticipate such improvements in this branch of the public service as will make it the most efficient means of coast defence. These vessels, properly constructed, may become floating forts almost equal to permanent fortifications in their power of annoyance and defence, and in other advantages far superior to them. Being transferable defences, they can be united upon any point, and a few of them be thus enabled to protect various places. We have been brought by circumstances to a more rigid investigation of our means of defence, and to a re-examination of the whole subject. After an interval of twenty years of tranquillity, public sentiment and the attention of the government were, by unexpected circumstances, more forcibly directed to this matter. The result cannot fail to be advantageous. The whole subject can be now re-examined by congress, with all the benefits which much experience has brought, and with the advantage of adapting the system to the advanced state of the country.

There are two bills for fortifications now pending before congress. One before the house, amounting to $2,180,000, and intended to prosecute works already actually commenced. The estimates for this bill may therefore be considered necessary in themselves; under any view of the general subject, and not unreasonable in amount for the present year, because they include the operations of two years. The incidental expenses, however, may be safely reduced one-half, as it will not be necessary to make such extensive repairs as were considered requisite when the estimates were prepared.

The bill pending before the senate contains appropriations for nineteen new works, and for the sum of $600,000, to be expended for steam batteries. The estimates on which this bill was founded were prepared at a time when prudence required that arrangements should be made for a different state of things from that which now exists. An examination of the general system of defence was not then expedient; and the means of protecting the most exposed points, agreeably to information previously collected, were asked of congress. It was no time then to stop, and, instead of prosecuting established plans vigorously, to lose the period of action by surveys, and examinations, and discussions. But the opportunity is now afforded, without danger to the public interest, of applying the principles suggested to the works under consideration.

It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary:

At Penobscot bay, for the protection of Bangor, &c.
At Kennebeck river.
At Portland.
At Portsmouth.
At Salem.
At New Bedford.
At New London.
Upon Staten Island.
At Sollers's Flats.
A redoubt on Federal Point.
For the Barancas.
For Fort St. Philip.

These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of these positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination, can commence immediately, and that of the others, as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations.

The other works contained in this bill are—

For Provincetown—And this proposition may be safely submitted to another inquiry, as the practicability of excluding an enemy from any shelter in Massachusetts bay, a matter of deep interest, and as a work at Provincetown, are closely connected.

For Rhode Island, Narragansett bay—This work may await the result of the views that may be eventually taken on the subject of fortifying this bay.

For a work at the Delaware, outlet of the Chesapeake and Delaware canal—This may be postponed without injury till next season; and, in the mean time, a project for the floating defences of the Delaware considered, and perhaps the size of the proposed work reduced.

For a work at the Breakwater—Until the effect of the deposites which are going on in this important artificial harbor are fully ascertained, I consider it injudicious to erect a permanent work for its defence. Another year will, perhaps, settle the question, and if the result is favorable, an adequate fortification should be constructed here without delay.

For a fort on the Patuxent river. } Both of these works are
For a fort at Cedar Point. } liable to some of the objections stated, and I think they had better be postponed for more mature consideration.

For fortifications at the mouth of the St. Mary's, Georgia—This proposition may also be safely submitted to examination.

The estimate for steam batteries may be reduced to $100,000. That sum can be profitably employed.

If these appropriations are early made, most, if not all, these works can be put in operation this season, and the money usefully applied, as fast as their progress will justify; and, I think, the measure would be expedient. But it is to be remembered that the power of the department to push them, during the present year, will depend on the reorganization of the corps of engineers. If that corps is not increased, it will be unnecessary to make the appropriations in the bill before the senate, as the objects contained in the other bill will be sufficient to occupy the time of the present officers of the corps.

Should it be deemed proper to re-examine the subject of the proposed fortifications generally, I would then recommend that an appropriation of $30,000 be made to defray the expenses of a board, including surveyors, &c.

My reflections upon the whole subject lead to the following practical suggestions on the great subject of the measures for the defence of the country:

1. An augmentation of the navy, upon the principles before stated.

2. The adoption of an efficient plan for the organization of the militia.

Having already, in two of the annual reports I have had the honor to make to you, expressed my sentiments upon this subject, I have nothing new to lay before you, either with relation to its general importance, or to the necessary practical details. I consider it one of the most momentous topics that can engage the attention of congress; and the day that sees a plan of organization adopted suited to the habits of our people and the nature of our institutions, and fitted to bring into action the physical strength of the country, with a competent knowledge of their duty, and just ideas of discipline and subordination, will see us the strongest nation, for the purposes of self-defence, on the face of the globe. Certainly such an object is worthy the attention of the legislature.

3. The cultivation of military science, that we may keep pace with the improvements which are made in Europe, and not be compelled to enter into a contest with an adversary whose superior knowledge would give him pre-eminent advantages. War is an advancing science. Many an original genius and many an acute intellect are at all times at work upon it; and the European communities have such a relation to one another, that the profession of arms is peculiarly encouraged, and every effort made to place their military establishments, not at the highest numerical point, but in the best condition for efficient service, both with respect to its *morale* and *materiel*. It is not by the mere reading of professional authors that the necessary instruction in this branch of knowledge can be obtained; there must be study and practice; a union of principle and details, which can best be obtained by a course of education directed to this object. This, I think, is one of the greatest advantages of the military academy. It cannot have escaped the recollection of those who were upon the theatre of action at the commencement of the last war, that the first year was almost spent in a series of disaster, which, however, brought their advantages. We were comparatively ignorant of the state of military science, and we did not fully recover our true position till we had received many severe lessons; at what an expense of life and treasure need not be stated.

4. The skeleton of a regular establishment, to which any necessary additions may be made, securing, at the same time, economy, with a due power of expansion, and the means of meeting a war with all the benefit of a regularly organized force. This object is attained by our present army.

5. The preparation and proper distribution of all the munitions of war, agreeably to the views hereinafter submitted.

6. I think all the defensive works now in the process of construction should be finished, agreeably to the plans upon which they have been projected.

7. All the harbors and inlets upon the coast, where there are cities or towns whose situation and importance create just apprehension of attack, and particularly where we have public naval establishments, should be defended by works proportioned to any exigency that may probably arise.

Having already presented my general views upon this branch of the inquiry, I need not repeat the practical limitations which I propose for adoption. But before any expenditure is incurred for new works, I think an examination should be made, in every case, in order to apply these principles to the proposed plan of operations, and thus reduce the expense of construction where this can properly be done, and, also, the eventual expense of maintaining garrisons required to defend works disproportioned to the objects sought to be attained. I would organize a board for this object, with special instructions for its government.

8. Provision should be made for the necessary experiments, to test the superiority of the various plans that may be offered for the construction and use of steam batteries; I mean batteries to be employed as accessories in the defence of the harbors and inlets, and in aid of the permanent fortifications.

The progressive improvement in the application of the power of steam renders it expedient, at any given time, to make extensive arrangements, connected with this class of works, with a view to their future employment. The improvement of to-day may be superseded by the experience of to-morrow; and modes of application may be discovered, before any exigency arises, rendering a resort to these defences necessary, which may introduce an entire revolution into this department of art and industry. Still, however, experiments should be made, and a small number of these vessels constructed. Their proper draught of water, their form and equipment, the situation and security of their machinery, the number, calibre, and management of their guns, and the best form of the engines to be used, are questions requiring much consideration, and which can only be determined by experience. And there can be little doubt that suitable rewards would soon put in operation the inventive faculties of some of our countrymen, and lead to the tender of plans, practically suited to the circumstances. As we acquire confidence by our experience, arrangements could be made for collecting and preparing the indestructible materials for the construction and equipment of these vessels, as far as such a measure may not interfere with any probable change, which at the time may be anticipated in the application of the power of steam.

9. I recommend a reconsideration of the project for fortifying the roadsteads or open anchorage grounds, and its better adaptation to the probable future circumstances of the country.

And I would suggest that the works which are determined on be pushed with all reasonable vigor, that our whole coast may be placed beyond the reach of injury or insult, as soon as a just regard to circumstances will permit. No objections can arise to this procedure on the ground of expense, because, whatever system may be approved by the legislature, nothing will be gained by delaying its completion beyond the time necessary to the proper execution of the work. In fact, the cost will be greater the longer we are employed in it, not only for obvious reasons, arising out of general superintendence and other contingencies, but because accidents are liable to happen to unfinished works, and the business upon them is deranged by the winter, when they must be properly secured; and the season for resuming labor always finds some preparations necessary which would not have been required had no interruption happened.

But the political considerations which urge forward this great object are entitled to much more weight. When once completed we should feel secure. There is probably not a man in the country who did not look with some solicitude, during the past season, at our comparatively defenceless condition, when the issue of our discussions with France was uncertain; and who did not regret that our preparations, during the long interval of peace we had enjoyed, had not kept pace with our growth and importance. We have now this lesson to add to our other experience. Adequate security is not only due from the government to the country, and the conviction of it is not only satisfactory, but the knowledge of its existence cannot fail to produce an influence upon other nations, as well in the advent of war itself as in the mode of conducting it. If we are prepared to attack and resist, the chances of being compelled to embark in hostilities will be diminished much in proportion to our preparation. An unprotected commerce, a defenceless coast, and a military marine, wholly inadequate to the wants of our service, would indeed hold out strong inducements to other nations to convert trifling pretexts into serious causes of quarrel.

There are two suggestions connected with the prosecution of our works, which I venture to make:

First. That the corps of engineers should be increased. The reasons for this measure have been heretofore submitted, and the proposition has been recommended by you to congress. I will merely add, upon the present occasion, that the officers of this corps are not sufficiently numerous for the performance of the duties committed to them; and that if an augmentation does not take place, the public interest will suffer in a degree far beyond the value of any pecuniary consideration connected with this increase. And,

Secondly. I think that, when the plan of a work has been approved by congress, and its construction authorised, the whole appropriation should be made at once, to be drawn from the treasury in annual instalments, to be fixed by the law. This mode of appropriation would remedy much of the inconvenience which has been felt for years in this branch of the public service. The uncertainty respecting the appropriations annually deranges the business, and the delay which biennially takes place in the passage of the necessary law reduces the alternate season of operations to a comparatively short period. An exact inquiry into the effect which the present system of making the appropriations has had upon the expense of the works, would probably exhibit an amount far greater than is generally anticipated.

The report from the ordnance department shows the quantity and nature of the munitions of war, estimated to be eventually necessary, and their probable cost, including new establishments necessary for their fabrication and preservation. The conjectural amount is $29,955,537.

Believing it is not expedient, at present, to make any preparations upon a scale of this magnitude, I have deemed it proper to accompany this report with a brief statement of my own views, where I depart from the suggestions that are presented in this document.

As our fortifications are constructed, their armaments should be provided; and the amount in *depot* should at all times exceed the anticipated demand, to meet the casualties of the service. We have now on hand 1,818 new cannon for seacoast defence, and about 1,000 others, most of which are either useless or of doubtful character. The works actually finished, or so far completed as to admit of a part of their armament being placed in them, require about 2,000 guns. They are calculated ultimately to mount about 600 more. Others in the process of construction will require about 1,400. So far we have certain data for our estimates; unless, indeed, which I am inclined to believe, it should not be found necessary ever to provide the full complement destined for the largest of these works. Beyond this the subject is conjectural. And the quantity needed must depend upon the principles that may be adopted in the further progress of the system of fortifications. There are four private foundries at which the public cannon are cast. These, if their whole attention were devoted to the object, could manufacture from 1,200 to 1,500 annually. As to carriages and other supplies, the amount that could be procured within a reasonable period is almost indefinite. Iron carriages are now made for all the casemate batteries, and they have not only the advantage of indestructibility from the atmosphere, but requiring no seasoned materials, they may be supplied by the foundries through the country to almost any extent.

We have two armories for the manufacture of small arms, and there are seven private establishments which fabricate arms for the government. All these supplies are of the best description, and are submitted to a rigid inspection, which prevents imposition. The armories can at present turn out about 27,000 arms annually, and probably 11,000 or 12,000 could be made at existing private establishments. Should any exigency require larger supplies, the quantity can be much increased. We have now on hand about 700,000 small arms, and there have been issued to the states about 180,000 muskets, 25,000 rifles, 30,000 pistols and 378 field cannon and carriages, under the act for arming the militia. If 100,000 of these muskets and rifles are preserved, there are in the country 800,000 of those species of arms belonging to the general or state governments.

What may be considered a proper supply, is a question admitting much difference of opinion. It will be seen that the ordnance department fixes the amount at about 600,000, in addition to what are now on hand, and including the number necessary to arm the militia. We had, at the commencement of the last war, 240,000 muskets, and during its progress 60,000 more were made and purchased. At its termination there were but 20,000 at the various arsenals. The residue were in the hands of the troops, or had been lost in the service. This consumption was greater, I think, than was necessary, or than would probably again take place. A plan of accountability has been introduced, by which the men are charged with the arms they receive; and if these are improperly lost or injured, the value is deducted from their pay. The paymasters cannot settle with them till this matter is adjusted.

The stock of small arms in Great Britain, in depot, in 1817, was	818,282
In the public service	200,974
Total	1,019,256

The number in depot in France, in 1811, was 600,000, not including the great number in service.

My own impression is, that 1,000,000 small arms may be considered a competent supply for the United States; and if so, a large deduction may be made from the estimate of the ordnance department, under this head of expenditure. Although the component materials of these arms are almost imperishable, still it is not expedient to keep a stock unnecessarily large on hand; because there is not only some risk and expense in their preservation, but, because, like every other article manufactured by man, they are no doubt susceptible of great improvement. And it may be that those now made may be superseded by an improved model, which, once introduced, must be adopted, at whatever expense or inconvenience, by all nations. And the ingenious invention lately exhibited in this city, by which a series of balls in separate charges are brought, by a rotary motion, to a common place of discharge, suggests the possibility of a revolution in the form of our fire-arms.

On the subject of depots for these arms, I accord with the general suggestions made by the colonel of ordnance. I think the number should be increased, and arms placed in every part of the country, ready to be used as circumstances may require.

It will be observed that, in the estimate I have made, I confine myself to the armament for the public service, connected with the actual defence of the country, whether to be used by the army or militia in time of war; but I do not extend my views to a supply for arming the militia, in order to discipline them in time of peace. The extent of this policy is a question not necessary in the consideration of the subject before me.

As the arms in depot approach whatever number may be assumed as the proper maximum, the necessity for additional armories becomes less. When our stock is once completed, the present armories, without any aid from the private establishments, will be able to supply the annual consumption. I think, therefore, that two additional armories, as suggested by the ordnance department, are not wanted. And, indeed, although there are considerations attending the transportation of the crude and the manufactured article, and other circumstances which would justify the establishment of a new armory upon the western waters at present, yet, if the measure is not carried into effect soon, its importance will annually diminish.

But a national foundry for cannon, both for the military and naval service, and perhaps two, in different sections of the country, should be erected without delay. The best interests of the public require it. But I have nothing to add to the suggestions made upon this subject in my last annual report.

As to field artillery, the extent to which it shall be provided must depend upon the views of the legislature concerning the expediency of issuing it to the militia. If a more efficient organization does not take place, I think the expenditure on this account may well be saved to the public treasury. I consider all attempts to improve the condition of the militia upon the present plan as so nearly useless, that the whole system has become a burden upon the public, without any corresponding advantage. The principal benefit which results from the existing state of things, is the power to call into service such portions of the population as may be wanted. But this may be attained by a simple classification, without the cumbrous machinery which at present creates expense and trouble, and which, while it promises little, performs still less. Very respectfully, sir, I have the honor to be, &c. LEW. CASS.

The president of the United States.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

We publish an extra half-sheet of eight pages, to get in reports of the speeches of Messrs. *Rives* and *Leigh*, (senators from Virginia), on the *expunging* resolution of Mr. *Benton;* together, they contain, perhaps, as much, on either side, as most of our readers will desire to have on the subject. We have added other things of a documentary character, which will be found useful to the future.

Copies of the report of the secretary of the treasury, on the supply and consumption of cotton, have been politely sent to us, by the industrious and able author; and we shall take an early opportunity to present an abstract of its contents, with explanatory and other remarks.

Mr. *Clay's* land bill has passed the senate—25 to 20. What will be its fate in the house, or the ultimate decision concerning it, we shall know, by and bye. A veto is spoken of—but, if given under the various *new* circumstances that will present themselves, it will be, indeed, a strong interference on the part of the executive.

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We shall make a record of sundry articles of information and news from *Florida* and *Texas*—in neither of which do things go on as we would have them. In the former, it is most probable, now, that the war will last until next winter; and in the latter, it seems likely that Santa Anna will sweep the country with fire and sword. The Texians were flying for shelter in all directions, and in the greatest terror—especially the women and children,

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The journey between Richmond and New York is now accomplished in 42, and that from Baltimore to New York in 16½ hours.

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FOREIGN NEWS. By the packet ship *George Washington*, capt. Holdredge, London and Liverpool papers to March 26, inclusive, have been received at New York.

In the British house of commons, March 25, Mr. T. Duncombe gave notice of his intention to move "that an humble address be presented to his majesty, to submit to his majesty the propriety of his majesty using his good offices with his ally the king of the French for the liberation of the prince de Polignac, and Messrs. de Peyronnet, Chantelauze and Guernando Ranville."

The new naval armaments were still in progress at Toulon, but their destination was as much as ever matter of conjecture. According to one version, the expedition was to proceed against Tangiers, with orders to set fire to that town by way of reprisal for the powerful assistance in men and arms secretly afforded by the emperor of Morocco to Abdel-Kader.

The French chamber of deputies have voted a supplementary grant of 500,000f. ($100,000) in favor of the Polish and Italian refugees residing in France. The sum previously voted to them, and which has turned out short of their wants, was 2,500,000 francs ($500,000).

The president's peace message had been received in France, and is thus noticed by Galignani's Messenger of the 17th:

Thursday, 1 *o'clock*. We have just received by express from Havre, New York and other American papers to the 29th ult. brought by the Sully, captain Lines, which arrived off that port on the evening of the 14th instant, but was unable to procure a pilot until the following day. These journals speak in the most satisfactory tone of the termination of the misunderstanding with France, upon the subject of which we subjoin the message of gen. Jackson to the senate, on the 22d of February, with the official statement of the British charge d'affaires that the government of France had expressed itself satisfied, and was ready to pay the money in dispute. Some of the papers are very merry in their description of the mortification of the war party by this termination of the affair.

[The Paris Messenger of 23d of March, says: "It was yesterday reported on 'change, says a journal, that the treasury had already paid the instalments of the indemnity to the U. States, which are already due."

We understand that, on the 19th of March, the Messrs. Rothschild had applied to the agents of the Havre packets for the freight of specie, being the first two instalments under the French indemnity treaty.]

From the Journal des Debats.

Germany has taken no small part in the march of real improvement which has of late been adopted by the most civilized states. She has entered the lists with England, the United States and France. She has been the first in Europe to form a rail road on an extended scale. At the present moment these rail roads have become the fashion in Germany, or rather a species of mania; they have projected as many as we have, and commenced more. Prussia and Austria are vieing with each other in the establishment of manufactures, and improvements of various communications. Prussia has now her paper money as well as the United States.

Constantinople, Feb. 24. The Russian fleet in the ports of the Black Sea is ready to put to sea at the shortest notice, and it is said that very large reinforcements come to the Russian troops in Bessarabia. The appearance of things here is not as if we were in a state of profound peace. The armaments, both by sea and land, are continued with great activity.

Spain. An engagement took place at Orduna, March 6, between the queen's troops and the Carlists. It was brought about by a movement on the part of the Carlist general Eguia, the object of which was to prevent a junction between the troops of Cordova and Espartero. The movement, however, did not tend to the desired result, Eguia having been unable to maintain his ground at Orduna, where the engagement took place. He was defeated, or, at least, compelled to withdraw, and the junction between the two corps of Cordova and Espartero was therefore effected. The Carlists are said to have left on the field of battle 600 killed and wounded, and to have lost besides 150 men, who were made prisoners. This engagement is represented as the most serious of any that have occurred between the Carlists and Christinos during the last six months.

According to accounts referred to by the Moniteur of Friday, Mina had left Barcelona on the 10th, on his long-prepared expedition against the Carlist bands which infest Catalonia. He had levied a contribution of 500,000 francs (£20,000), on the inhabitants of Barcelona towards defraying the expenses of this expedition. Ripoll and Campredon were beseiged by the united bands of Torres, Tristani and Brujo.

LATEST FROM FLORIDA.

Major general *Macomb* and captain *Cooper*, his aid, arrived at Mobile on the 22d ultimo, from Pensacola, which place they reached the night before, in a United States cutter, from Tampa Bay. Dates from Tampa, through this channel, are down to the 15th ult.

In addition to particulars, we learn that, on the 11th, general *Smith*, of the Louisiana volunteers, was sent, with 500 men, to Charlotte harbor, to ascend the stream and capture all the Indian families supposed to be secreted there. Another force, consisting of about 200 mounted cavalry, was despatched to drive the Indians in that direction.

General *Scott*, shipped off, on the 12th, about 400 Seminoles, men, women and children. They were Black Dirt and his tribe. On the 15th, the army started to return on both sides of the Wythlacoochee.

There were 400 sick at Tampa Bay, and the climate was getting worse and worse for the army. It is said to be the design of general *Scott* to discharge the volunteers, and send them home before the 1st of May, and to select the most healthy points compatible with the service, to establish posts of regulars, of whom there are about 1,300 to keep the Indians in check until the hot season shall have passed.

Gen. *Macomb* and aid left Mobile on the same day they arrived there for New Orleans, on their return to Washington city, via the Mississippi.

There were several of the wounded and sick volunteers at Mobile, and among them was general *Shelton*, of the South Carolina volunteers. [*Nat. Int.*

[We shall, hereafter, give the details of late events in Florida —for future use; and especially relating to the march of gen. *Scott's* army to Tampa Bay, with some official letters.]

THE MEXICAN BORDERS.

From the Washington Globe.

The information from Texas is calculated to excite apprehensions that the forces of the United States on the frontiers may be involved in the contest. It seems that the Mexican emissaries alluded to in general Gaines' despatch to the governor of Louisiana, (see the following article) have succeeded in arousing to action the Indians within our western limits; and according to the general's construction of the treaty between the United States and Mexico, as given in that despatch, he feels himself called upon to interpose to prevent these Indians from taking part in the war. General Gaines states that his orders from the president require him "*to remain entirely neutral, and to cause that neutrality to be respected.*" But if, to

effect this object, he deems it a duty to oppose the employment of the Indians within our frontiers, and has marched to the Sabine, as the letter from Fort Jessup to the editor of the Bulletin indicates, to arrest the progress of the Indians in that quarter, there is great likelihood that a war in our eastern border has been already commenced, the close of which cannot be certainly divined. We trust that, however strong sympathies in favor of our countrymen who are emigrants in Texas may be, nothing will be done by an American officer to tarnish the high character of the United States for national propriety and good faith.

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Head quarters, western department, Natchitoches, (La.) 8th April, 1836.

SIR: The war in Texas, which has of late assumed a sanguinary and savage aspect, had induced the president of the United States to require a considerable augmentation of regular force to be concentrated upon this section of the national frontier, to which my attention has been particularly directed. He deems it to be the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected—peaceably if practicable—forcibly if necessary.

The 33d article of the treaty with Mexico requires both the contracting parties to prevent "by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries, so that the United States of America will not suffer their Indians to attack the citizens of the Mexican states," &c.

The provisions of this article I am particularly instructed to cause to be enforced, and I have, pursuant to instructions, taken measures to make known to the various Indian tribes inhabiting that portion of United States bordering upon the Mexican territory, on the waters of the Red and Arkansas rivers, the determination of the government to prevent any hostile incursions into Texas, and have directed that the chiefs be called upon to inculcate upon their people the necessity of carefully abstaining from any violation of the above mentioned engagements; and I have moreover informed them, pursuant to the orders of the president, that I will not hesitate to use the force at my disposal for the purpose of preventing any such designs.

I have learned from several of our citizens, entitled to credit, that one Manuel Flores, a Mexican Spaniard, but for several years past a citizen of "Spanish town," in this state, near the Sabine Ridge, has been lately commissioned by persons professing to act by the authority of the Mexican government, for the purpose of enticing the Indians in the western prairies on our side of the boundary line to join them in the war of extermination now waging in Texas; and that, with this view, the agent, Manuel Flores accompanied by a stranger, has lately passed up the valley of the Red river, and has already produced considerable excitement among the Caddo Indians. And I have very recently learned from several intelligent persons in Texas, and others who have lately been there, that many of our Indians have gone over to the Texas side of the line.

These facts and circumstances present to me the most important question whether I am to sit still and suffer these movements to be so far matured as to place the white settlements on both sides of the line wholly within the power of the savages, or whether I ought not instantly to prepare the means for protecting the frontier settlements; and if necessary, compelling the Indians to return to their own homes and hunting grounds?

I cannot but decide in favor of the last alternative which this question presents; for nothing can be more evident than that an Indian war, commencing on either side of the line, will as surely extend to both sides as that a lighted quick match thrust into one side of a powder magazine would extend the explosion to both sides.

But I am without *mounted men*, the only description of force which will enable me to interpose an efficient check to the daily increasing danger which every intelligent citizen with whom I have conversed upon the subject apprehends. And apprehending as I do that the loss of a month, which it would require to submit the case to the president of the United States, might prove fatal to a large portion of the frontier inhabitants, I have determined to solicit of your excellency a brigade, to consist of two or three battalions of volunteers—as many to be mounted as practicable—to repair to this place as soon as may be convenient by companies or battalions, to receive their arms and camp equipage at New Orleans and the Baton Rouge. There may be eight or ten companies to a battalion.

Should the war in Texas be brought to a close without the apprehended Indian hostilities, the volunteers will be discharged forthwith. With perfect respect, &c.

EDMUND P. GAINES, *major general commanding.*

To his exc. *Edward D. White, gov. of Louisiana, N. Orleans.*

FROM TEXAS.

Copy of an express from Samuel Houston, commander-in-chief of the Texian army.

Head quarters, west of Brasos, March 31, 1836.

To the people east of Brasos:

My encampment is preparing on the west of the Brasos, where I shall wait for some supplies and reinforcements. My intention *never* has been to cross the Brasos, and the false reports spread are by men who have basely deserted the army of Texas.

Let men from the east press on to the army, and cross over at Groces. If men will unite with the present force, we can defeat and capture the enemy. The army of the enemy has been represented at from 10,000 to 30,000 men, when indeed it never has exceeded 3,000 or 4,000 in Texas; and the force that attacked col. Fanning was only 1,500, and he had only 320 men. They fought him in the prairie where he had no water, and where they surrounded him.

Their cavalry are not numerous, as stated, and their infantry are men pressed into service and convicts from prison. Their army is encumbered by women and children. Let the men of the east come to our aid, and bring all deserters with them. Aid from the United States is landing on our coast. Captain Brown, with one of our vessels, has taken a Mexican vessel, with 240 bbls. of flour, 300 kegs of powder, and other supplies for the army.

My spies report this morning that the observations made by them last night, could discover nothing of the enemy for ten miles beyond Bayou St. Bernard, 25 miles beyond San Felippe.

The citizens of San Felippe, when they heard it rumored that the enemy had crossed Colorado, immediately set fire to their own houses, and reduced the place to ashes. Let the people not be any longer in dread of danger, if the men will turn out like men. S. HOUSTON, *commander-in-chief.*

P. S. My spies have just returned, and report the enemy a few miles from San Felippe, 800 or 1,000 men only, and only 30 cavalry. We will whip them soon. S. H.

4 *o'clock, March* 31.

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Santa Anna's proclamation.

The general-in-chief to the army of operations under his command.

Companions in arms!—Our most sacred duties have conducted us to these plains, and urged us forward to combat with the mob of ungrateful adventurers, on whom our authorities have incautiously lavished favors, which they have failed to bestow on Mexicans. They have appropriated to themselves our territories, and have raised the standard of rebellion in order that this fertile and expanded department may be detached from our republic—persuading themselves that our unfortunate dissensions have incapacitated us for defence of our native land. Wretches! they will soon see their folly.

Soldiers—Your comrades have been treacherously sacrificed at Anahuac, Goliad and Bejar; and you are the men chosen to chastise the assassins.

My friends!—We will march to the spot whither we are called by the interest of the nation in whose services we are engaged. The candidates for "acres" of land in Texas will learn to their sorrow that their auxiliaries from New Orleans, Mobile, Boston, New York and other northern ports, from whence no aid ought to proceed, are insignificant, and that Mexicans, though naturally generous, will not suffer outrages with impunity—injurious and dishonorable to their country—let the perpetrators be whom they may.

ANTONIO LOPEZ DE SANTA ANNA.

Camp on the river Mueces, Feb. 17, 1836.

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The Washington correspondent of the New York Journal of Commerce writes as follows:

The Mexican minister here has received official information of the state of things in Texas. His advices confirm the general truth of the late accounts from that quarter. There remains no doubt that Santa Anna is sweeping every thing before him in Texas, and that he will drive the Anglo-American settlers out of the country. It is much to be apprehended, also, that he will stir up the Camanches and Pawnees to hostilities both against the Texians and United States. The prowess of the Mexican forces, has certainly been underrated by the Texian, and they now verify the old adage—"a despised enemy often makes a bloody battle." The fact is, that the Mexicans have been accustomed to warlike employments almost from their childhood. For many years, that country has been in a state of turmoil and commotion, during which time, every man was accustomed to arms. Many of Santa Anna's troops are mountaineers, who are brought up as brigands, and are capable of any degree of hardship and privation that humanity can bear. On the whole, I imagine that Santa Anna's force is as effective as any that could be brought to operate in that country.

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We learn by the steamer Levant, arrived here yesterday, that there were about 1,500 Indians and Mexicans within 50 miles of Nacogdoches, and an express which arrived at Nachitoches the evening before the Levant left, stated that the American inhabitants of Nacogdoches burnt the town to ashes, to prevent its falling into the hands of the invading enemy. General Gaines was at Nachitoches when the express arrived, (having been invited to a public dinner at that place), but on receiving the intelligence, he immediately took up his march for the Sabine river. When general Gaines advanced towards Fort Jessup, the garrison honored him with a salute, from their guns, it being the first time they had seen him since his return from Florida. The citizens of Natchitoches immediately called a meeting for the relief of the women and children at Nacogdoches, upon hearing of the destruction of the latter place, and subscribed $1,000. Our informant states the Sabine river to be between 4 and 5 miles wide at the present, and the whole of the adjacent country, to be completely inundated, consequently the Texian families is rendered extremely difficult

and hazardous. General Gaines has taken up his quarters on the banks of the Sabine river, and will prevent all Indians within his jurisdiction from joining the Mexicans.

[*Louisiana Advertiser.*

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

April 29. Mr. *Webster*, from the committee on finance, reported the bill making appropriations for the civil and diplomatic service of the United States for the year 1836, with amendments.

Mr. *Benton* offered the following resolution; which was agreed to:

Resolved, That the president of the United States be requested to cause the senate to be informed whether any branch of the public service has suffered, or is likely to suffer, any injury, loss, neglect or delay, for want of timely and adequate appropriation.

After the resolution was adopted,

Mr. *Webster* moved to reconsider the vote by which this resolution had been adopted. He considered that it was an extraordinary resolution, and ought to lie one day.

The motion to reconsider was agreed to, and the resolution lies one day for consideration.

The senate proceeded to the question of the passage of the bill to appropriate, for a limited time, the proceeds of the public lands, &c.

Mr. *Morris* addressed the senate in opposition to the bill.

Mr. *Walker* succeeded Mr. *Morris* in a series of observations in opposition to the bill.

Mr. *Morris* moved that when the senate adjourn, it adjourn to meet on Tuesday next. Decided in the negative—yeas 19, nays 24.

Mr. *Linn* then moved that when the senate adjourn, it adjourn to meet on Monday next; which motion was lost—yeas 13, nays 29.

Mr. *Ewing* remarked that, as many of the senators would be absent on to-morrow and Monday, and as he wished to have a full senate when the final vote was taken on the land bill, he moved that it be taken up on Tuesday next.

On motion of Mr. *Linn*, the senate then adjourned.

April 30. Mr. *Hendricks* presented the memorial of the trustees and faculty of Hanover college, in the state of Indiana, representing that the state of our national prosperity justifies them in urging the claims of our colleges generally, and especially of their own institution, which is a manual labor college, upon the means and the bounty of the general government: that it is now in the power of congress, with scarcely a sensible diminution of the treasury, to relieve every college in our country from pecuniary embarrassment, and they pray that a portion of the public lands be appropriated in aid of the incorporated colleges in the United States. Referred to the committee on public lands.

Mr. *White* offered the following preamble and resolution, which lies one day for consideration:

Whereas, on the 28th day of March, 1834, the senate of the United States adopted a resolution in the words following, to wit:

"*Resolved*, That the president, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and powers not conferred by the constitution and laws, but in derogation of both."

And whereas, upon the question whether said resolution should be adopted, it was decided by one-fifth of the senators present, that the same should be taken by yeas and nays; and the votes of the several members now stand recorded on the journal of the senate:

And whereas, the said resolution still remains on the journal of the senate in full force, not rescinded, reversed, repealed or annulled; and cannot now be expunged, cancelled, or in any way obliterated or defaced without violating that clause of the constitution of the United States which is in the following words, to wit: "each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such part as may in their judgment require secrecy; and the yeas and nays of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal."

And whereas, each senator before taking his seat, was bound to take and did take an oath to support said constitution:

And whereas, the president of the United States, in the late executive proceedings in relation to the public revenue alluded to in said resolution, did not, in the opinion of the senate, assume upon himself authority and powers not conferred upon him by the constitution and laws: Therefore, it is

Resolved, That the said resolution and the opinion therein expressed be, and the same hereby, are, rescinded, reversed, and annulled; and it is hereby declared that the said resolution ought not to be considered as having had, or as now or hereafter having, any force or effect whatever.

On motion of Mr. *Grundy*, the senate took up the bill prohibiting deputy postmasters from receiving and transmitting by mail publications therein specified, in order to enable him to offer an amendment.

Mr. *Grundy* then moved to strike out all the original bill, after the enacting clause, and to insert a substitute, which he sent to the chair, and which was read.

On motion of Mr. *Grundy*, the amendment was ordered to be printed; and the bill was laid on the table.

On motion of Mr. *Preston*, the senate considered the bill to authorise a patent to be issued to John Howard Kean; and it was amended by inserting the names also of Wm. Harrison and Elias Carter, both subjects of Great Britain. Thus amended, the bill was read a third time, and passed.

On motion of Mr. *Preston*, the senate took up for consideration the following joint resolution:

Resolved by the senate and house of representatives of the U. States of America in congress assembled, That the president be, and he is hereby, authorised to constitute and appoint an agent or agents, to assert and prosecute, for and in behalf of the U. States, and in their name or otherwise, as they shall be advised, in the court of chancery or other proper tribunal of England, the claim of the United States to the legacy bequeathed to them by the last will and testament of Mr. JAMES SMITHSON, late of London, deceased, for the purpose of founding at Washington, under the name of *the Smithsonian institution*, an establishment for the increase and diffusion of knowledge among men; and to empower such agent or agents so appointed to receive and grant acquittances for all such sum or sums of money, or other funds, as may or shall be decreed or adjudged to the United States, for or on account of the said legacy. And to the end that the said claim may be prosecuted with effect, and the necessary expenses in prosecuting the same defrayed, the president be, and he is hereby, authorised to apply to that purpose any sum, not exceeding five thousand dollars, out of any money in the treasury not otherwise appropriated. And the faith of the government of the United States is hereby pledged, that any and all sums of money which shall be received for or on account of the said legacy shall be applied to the purpose of founding and endowing at Washington, under the name of the Smithsonian institution, an establishment for the increase and diffusion of knowledge among men.

A legal discussion took place on the resolution, which was participated in by Messrs. *Preston*, *Leigh*, *Clayton*, *Calhoun*, *Southard*, *Buchanan*, *Davis* and *Walker*.

At last—the resolution was then reported without amendment.

The yeas and nays being demanded by Mr. *Walker*, on the question of engrossment, the question was taken and decided as follows:

YEAS—Messrs. Benton, Black, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing, of Ohio, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King, of Alabama, Knight, Leigh, Linn, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker—31.

NAYS—Messrs. Calhoun, Ewing, of Illinois, Hill, King, of Georgia, Preston, Robinson, White—7.

On motion of Mr. *Benton*, the senate proceeded to the consideration of executive business; and after a short time, the senate adjourned.

May 2. The *chair* laid before the senate a communication from the secretary of state, in reply to a resolution recommending an increase of salary to the clerks in the department of state.

On motion of Mr. *Kent*, the resolution offered by him some time since, on the subject of an arrangement with France for the admission of American tobacco on more liberal terms, was taken up; when Mr. *Kent* made some remarks, which will be published hereafter.

Some unfavorable reports on the table were taken up and agreed to.

A joint resolution, to authorise the president to appoint an agent to represent the United States in the case of the Smithson legacy; and

A bill for the payment of the militia of Vermont for services rendered at the battle of Plattsburgh, were each read a third time, and passed.

The special order of the day was taken up, being a bill to regulate the public deposites.

After some amendments were offered, the bill was laid upon the table for the present.

The harbor bill came up. Among other proceedings—Mr. *King*, of Ala. moved to amend the bill by striking out all the specific surveys, and asked the yeas and nays; which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Black, Calhoun, Hill, King, of Ala. King, of Geo. Leigh, Mangum, Preston, Rives, Robinson, Walker, White—12.

NAYS—Messrs. Benton, Clayton, Davis, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, Linn, Naudain, Nicholas, Porter, Prentiss, Robbins, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall—22.

The bill was then reported, and the amendments being concurred in, the bill was ordered to be engrossed, and read a third time, [and passed next day.]

The senate then proceeded to the consideration of executive business; and, after remaining a short time with closed doors,

The senate adjourned.

May 3. A message was received from the house of representatives, announcing the death of the hon. *Richard J. Manning*, a representative from the state of South Carolina.

After a just tribute to the memory of the deceased had been offered by Mr. *Preston*, the usual resolution to wear crape for 30 days, was passed.

May 4. Mr. *Ewing*, of Ohio, rose to present a petition, and prefaced the presentation with the following explanation:

I present some further memorials this morning on the subject of the Zanesville and Maysville road, and ask that they have the usual reference. Almost the whole population of the adjacent country has petitioned or is petitioning congress in favor of that road, the very great importance of which I took occasion some time ago to explain, and which I believe is well understood throughout the United States. I regret that this subject had not been brought forward earlier in the session, so that we might have had time to act definitely upon it this year; but I fear it is now too late. Nevertheless, I would ask the committee on roads and canals to give it their attention, and let us know whether, in their judgment, it merits the aid of the nation; and I must take leave to say that, if nothing can be concluded upon it now, it will be early presented and vigorously pressed at the next session of congress.

Mr. *Clay* offered the following resolution; which lies over for consideration.

Resolved, That the committee on manufactures be directed to inquire into the expediency of so amending the existing laws as to subject all hemp exported into the United States from any place whatsoever, to the same duty as Russian hemp may be liable to pay for the time being.

Mr. *Benton* from the committee on military affairs, reported, with amendments, a bill from the house to authorise the president to accept the services of volunteers, &c. and asked the senate to proceed to the consideration of the bill and amendment.

[One of these amendments provides for a considerable addition to the army.]

Debate followed—in which the state of affairs in *Texas* were incidently mentioned—but they must be deferred a little. The bill being laid aside—

The senate proceeded to consider the bill to provide for the distribution of the proceeds of the public lands, &c.

The question being on the passage of the bill,

Mr. *Wright* spoke at some length in opposition to the bill.

The question was then on the point of being taken, when

Mr. *Benton* rose, and addressed the senate.

The question was then taken on the passage of the bill, and decided as follows:

YEAS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Nandain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—25.

NAYS—Messrs. Benton, Calhoun, Cuthbert, Ewing, of Ill. Grundy, Hill, Hubbard, King, of Alab. King, of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—20.

So the bill was passed.

Mr. *Webster* gave notice that he should to-morrow call up the general appropriation bill.

The senate adjourned.

May 5. Other business being attended to which will be noticed in its progress—

Mr. *Clay* called up his resolution submitted yesterday concerning foreign hemp, and stated that there was in the course of trade a habit of introducing Bengal hemp, and some other kinds under different denominations, free from duty, according to a construction, and, as he thought, an erroneous one, of the secretary of the treasury. He wished to guard against this evasion of the laws, and have it subjected to the same duties that Russian hemp was. It came into competition with the flax and manufactured hemp of this country; whereas that of Russia, so far as the rigging of vessels was concerned, did not interfere with our dew rotted hemp: because this last, not absorbing tar, and from other causes, was not calculated for rigging.

A measure had been proposed for allowing a drawback upon Russian hemp when exported to foreign countries. Though he came from a hemp-growing section, he should offer no objection to it: on the contrary, he would give it his vote. His only object in rising, however, was to ask for a consideration of this resolution now, to prevent any further evasion of existing laws.

Mr. *Walker* expressed a hope that it would be put on record that the day after the senator from Kentucky and his friends had obtained their victory, in the passage of the land bill, that senator had offered a resolution to increase the tariff. He did not intend to oppose the resolution of inquiry, but he wished the fact to be placed on record.

Mr. *Clay* replied that he had no objection to have the fact recorded in any book of record whatever, provided that, when recorded, no motion should afterwards be entertained for expunging it. He wished also to have the fact accurately stated. This proposition was not made, as stated by the senator from Mississippi, on the day after the *passage* of the land bill.—It was made yesterday—on the very day of the passage of that measure, and it came up now in the regular course of business. Neither is it true that it is a proposition to increase the duties; it is merely to prevent an evasion of existing laws. Whenever it should come up for discussion, he should be happy to listen to the arguments of the gentleman against its expediency, and should no doubt be convinced by them. He would advise that senator, however, and those who acted with him, if they wished to avoid an increase of the tariff, to stop where they were; to make no more extravagant appropriations; to pursue no longer the course they had adopted. Ten millions for the navy, and fifteen millions for the war department! Did any one believe that an augmentation of the tariff was not inevitable if this wasteful expenditure was countenanced and sustained? Let the gentleman and those who, with him, have the power, remove the public treasure from these miserable deposite banks. By following his advice, wholesome as it was, they might remove the causes of their real or pretended alarm. He did not expect any discussion, however, on the adoption of a mere resolution of inquiry, much less to be called upon to reply to a charge of this kind.

Mr. *Walker*, replied pretty much at length, and *variously*.

Mr. *Clay* said he regretted being called upon to say one word more. He did not know to what he was indebted for the honor—an honor very often tendered him—of being replied to and opposed by the senator from Mississippi. He will, for the future, however, allow me to use my own language, and not put words into my mouth which I have not used. He had made no avowal of a wish or intention to increase the tariff; he had merely said that, in the contingency of such an extravagant course being continued in, such an increase would inevitably take place.

* * * * * * * * * *

He regretted exceedingly, and knew not why it was that the gentleman from Mississippi had assumed this *an-tag-o-nis-tical* (he believed that was the fashionable phrase) position towards him. He was willing, at all times, and on all occasions, to acknowledge his own inferiority to that gentleman. The triumph was his. Let him be at ease then, and when he quoted other avowals, quote this also.

Mr. *Walker* replied that he had only a single remark to make, and that merely in reference to the concluding observations of the gentleman. He was not the first to commence this warfare. The senator from Kentucky, in a speech of great eloquence and ability, had opposed a measure of his. As to mental powers, he readily, not in a spirit of irony, but with the most perfect sincerity, admitted that senator's infinite superiority to him.

Mr. *Clay* said that, perhaps it would be better at once to enter into a treaty of peace and amity with the gentleman. He would give him a *carte blanche;* support any measure of his, unless it should happen to be in behalf of the *squatters*—he could not stand that.

The motion was then agree to.

The general appropriation bill was further considered, and some amendments made—and then the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, April 29. The hon. *Thomas J. Whittlesey*, of Connecticut, elected to supply the vacancy occasioned by the death of the hon. *Zalmon Wildman*, appeared, was qualified, and took his seat.

Mr. *Huntsman* asked the consent of the house to submit a joint resolution authorising the secretary of war to issue rations to such citizens of the United States as might be driven into the United States from the borders of Texas.

Objections being made,

Mr. *Huntsman* moved a suspension of the rules; which motion was rejected.

Mr. *Williams*, of Kentucky, asked the consent of the house to submit the following resolution; which was read for the information of the house:

Resolved, That the committee on foreign relations be instructed to inquire into the expediency of an acknowledgment and recognition by this government of the independence of Texas.

Objections being made,

Mr. *Williams* moved to suspend the rules; which motion was lost.

Mr. *Hawes* asked the consent of the house to offer a resolution making the resolution heretofore offered, directing a committee to report a bill for the re-organization of the military academy at West Point, and the report of the select committee of the last session on that subject, the special order of the day for Thursday next.

Objections having been made,

Mr. *Hawes* moved a suspension of the rules; which motion was lost.

Mr. *Lincoln*, from the committee on public lands, offered the following resolution:

Resolved, That the secretary of war be directed to communicate to this house the number of officers, non-commissioned officers, and soldiers of the organized militia men, mounted militia men, volunteers and rangers, who entered the service of the United States under the several acts of congress providing for the defence of the country, during the late war with Great Britain, and were regularly discharged; distinguishing the different descriptions of corps, time when they respectively entered the service, and term of continuance therein; and also distinguishing the number of those who were entitled, under the laws of congress, to a bounty in lands from the United States by reason of such service, from those to whom no such bounty was promised by law.

Mr. *W. B. Shepard*, from the committee for the District of Columbia, reported a resolution directing the commissioner of the public buildings to cause the Pennsylvania avenue, during the remainder of the session, to be cleaned and watered.

After some discussion, in which Messrs. *W. B. Shepard*, *Hawes*, *Harper*, *Parker*, *Bouldin*, *Dromgoole*, *Lane* and *Boon* took part.

Mr. *Parker* moved to lay the resolution on the table. Lost.

After some further conversation, the hour of 12 o'clock having arrived, the private orders were called for.

A few private bills were passed.

The following message was received from the president of the United States, and referred to the joint committee on the library, and ordered to be printed:

Washington, April 29, 1836.

To the senate and house of representatives:

It affords me pleasure to transmit to congress a copy of the catalogue of the Arundel manuscripts in the British museum, which has been forwarded to me, as will be perceived from the enclosed letter, on behalf of the trustees of that institution, for the purpose of being placed in the United States library.

ANDREW JACKSON.

[Adjourned over until Tuesday, to allow time to place the hall on its "*summer establishment.*" A considerable number of members availed themselves of the recess to make an excursion on the Chesapeake and Ohio canal.]

Wednesday, May 3. After the journal of Friday had been read—

Mr. *Pinckney* rose, and addressed the house to the following effect: Mr. Speaker: Often as death has already been among us this session, he has again entered within these walls, and taken another, and one of the most excellent members, of this honorable body. Yes, sir, death has again been amongst us; and it is in consequence of one of those sudden and awful dispensations of divine providence, to which, however painfully we may feel them, it is our duty to submit, that I now rise to announce to this house the decease of my late honored and lamented colleague, RICHARD J. MANNING. He left this city on Friday last, on a visit to Philadelphia, and died as I am informed, at that place, on Sunday evening, of a hemorrhage, produced by the rupture of a blood vessel in his lungs. Surely, if ever there was an event which could teach us "what poor shadows we are, and what shadows we pursue," this is one which should impress that lesson deeply on our minds. But a few days ago he was here, in his place upon this floor, in the pride of intellect and vigor of manhood, mingling freely with his fellow members, partaking the cares and honors of legislation, and discharging the high duties of a representative of the people in the councils of the nation. Now he is numbered with the silent dead. I know that it is customary upon occasions of this kind, to deliver eulogies upon the characters of departed members. But I shall make no such attempt upon the present occasion. I could not do justice to such a character as his. To say that he was a man of sound judgment and extensive information—a gentleman, in the strictest signification of the term, a man of sterling honor and integrity—a devoted husband and most tender parent—pure and irreproachable in all the relations of life—all that is true, perfectly true, and yet it conveys but a poor idea of the beautiful cluster of noble and estimable qualities that were concentred in him. He was more than all this. He was, emphatically, a patriot, who discharged all his duties to his country with ardor and fidelity; and he was a sincere and consistent Christian, who adorned the doctrine of his Lord and Saviour. He died, like a patriot, in the service of his country; and his life as a Christian assures me that he is now reposing in the bosom of his God.

As an evidence of the high estimation in which he was held by the people of his native state, it will suffice to observe that he was repeatedly elected to the legislature of South Carolina, once unanimously chosen governor of that state, and twice elevated to a seat in congress. In times of the bitterest party contention in South Carolina, he retained the unqualified respect of his political opponents, nor do I believe he had a personal enemy. But all his talents, all his virtues, all his noble qualities of head and heart, could not save him from the grasp of the destroyer. He is gone—gone from me, whom he honored with his friendship—gone from this house, which he adorned by his virtues. His place here will know him no more. He cannot listen to the poor tribute I throw upon his tomb. He cannot witness the deep and respectful sympathy manifested by this honorable body. No, sir, *he is gone;* and all that *we* can do is, to lament his loss, and imitate his virtues, and pay to his memory the unavailing honors of the dead.

I now beg leave to offer the following resolutions for adoption by the house.

1. *Resolved, unanimously,* That this house has received with deep regret the melancholy intelligence of the death of the Hon. *Richard J. Manning,* a representative from the state of South Carolina.

2. *Resolved unanimously,* That this house tender the expression of their sympathy to the relatives of the deceased, upon this mournful event; and in testimony of regret for his loss and respect for his memory, the members will wear crape on the left arm for thirty days.

The resolutions having been unanimously adopted.

Mr. Pinckney moved that a message be sent to the senate, informing that body of the death of the Hon. *Richard J. Manning.*

The *Speaker* said that such a message would be sent to the senate as a matter of course.

On motion of Mr. Pinckney, the house then adjourned.

Wednesday, May 4. The business first in order was the resolution from the committee for the District of Columbia, authorising and directing the commissioner of the public buildings to cause the Pennsylvania avenue to be watered and cleaned during the remainder of the session. It was taken up.

Mr. *Connor* asked the yeas and nays on the adoption of the resolution.

There being no quorum voting, Mr. *Heister* moved a call of the house.

Mr. *Briggs* asked the yeas and nays on this motion, and they were ordered.

The question being taken, the motion was agreed to—yeas 90, nays 27.

The call was proceeded in a short time, and, on motion of Mr. *C. Allen,* was suspended.

The question recurring on the adoption of the resolution, after some remarks from Messrs. *Parker, Bouldin, Hardin* and *Briggs,*

Mr. *Robertson* moved to lay the resolution on the table.

Mr. *Hawes* asked the yeas and nays, and they were ordered.

The question being taken, it was determined in the affirmative—yeas 88, nays 84.

So the resolution was laid on the table.

[The arguments against this resolution were, that such an expenditure was not a contingent expense of the house, and that the house had no right to use a fund expressly appropriated for their contingent expenses, to such a purpose; they might as well appropriate a million of dollars for a turnpike any where in the country; that it was a matter belonging to the District of Columbia, and the people might as well call upon the house to remove all other nuisances, and to sweep their houses, as to clean, sweep and water their streets; and that it would be a better expenditure of the money to place new metal upon the street, of proper quality and of the necessary depth, in order to complete the work begun, than to scrape and wet the present bed, which has cost ten thousand dollars, so that it would be cut up and destroyed by the passing of carriages. It was also urged, that to accomplish the proposed plan effectually, an immense quantity of water would be required, to obtain which many men must be employed, at a very great expense.

To this it was replied that the road had unfortunately turned out badly, in consequence of the unfitness of the stone used for Macadamizing, and that dust was raised of a peculiarly distressing character, in most unusual quantities. The pulverized stone was unusually injurious to the eyes and the lungs. The people of the District had not asked for this appropriation, but they were unable to keep the streets in order which had been laid out by congress, and in part completed. It was said to be proper, surely, that, under such circumstances, and in a matter so nearly affecting the comfort of the representatives, as well as that of the people of the District and visiters, the small sum required should be taken from the contingent fund of the house.]

Other business being attended to

On motion of Mr. *Cambreleng,* the house went into committee of the whole on the state of the union, (Mr. *J. Y. Mason* in the chair), in pursuance of the special order of the 26th of January.

The bill making appropriations for the support of the army for the year 1836 was taken up.

The question being on the motion of Mr. *Cambreleng* to amend the bill in the following clause: "For the armament of fortifications, two hundred thousand dollars," by striking out $200,000, and inserting $1,224,000.

Mr. *Cambreleng* stated that, in consequence of the arrival of late news from the southern frontier, and the very heavy drafts from that quarter, for the pay and subsistence of the army, it became necessary that the ordinary appropriations for the support of the army should be provided for at once. With a view to this object, as soon as the gentleman from Virginia (Mr. *McComas*) who was entitled to the floor should have finished his remarks, he would withdraw his amendment, and all extraordinary appropriations, and he hoped he would be indulged by the committee with the passage of that bill and of the navy bill, without delay. He would afterwards move his amendment to the fortification bill when the discussion could be continued, and other propositions for extraordinary appropriations could be introduced.

Mr. *McComas* said he would willingly yield the floor to accomodate the gentleman and the committee, but he was not sufficiently acquainted with the rules and orders to know whether he should be entitled to the floor upon another bill, if he yielded it now.

The *chair* said he would not.

Mr. *McComas* remarked that he did not know but by courtesy he might be considered entitled to the floor, and if so he would give way, and offer his remarks upon some future occasion.

Mr. *Cambreleng* said, if the gentleman would take that course, it would very much facilitate the public business and accommodate the committee; and he did not doubt the committee, by common courtesy and consent, would consider him entitled to the floor.

A general expression of consent having been given, Mr. *McComas* gave way.

Mr. *Cambreleng* withdrew his motion to amend the bill.

The question being on the motion of Mr. *Mercer* to amend the clause, by providing for the establishment of a national foundry,

Mr. *Ward* stated, for the information of the committee, that the subject of the establishment of a national foundry was under

consideration in the committee on military affairs, and that a bill on the subject would soon be reported.

The motion was then rejected.

Various motions to amend the bill were made, and some of them rather important—among them to abandon Fort Gibson, and erect another fort at some eligible point on the Arkansas, on account of the extreme unhealthiness of the former.

The bill was laid aside, and the bill making appropriations for the naval service for the year 1836, returned from the senate with amendments, referred to the committee on naval affairs, and reported with amendments to the amendments, was taken up.

Mr. *Jarvis* said the committee on naval affairs had agreed to concur in the amendments of the senate, but differed with that body in some of the details in reference to the proposed South Pacific expedition of discovery.

The clause of the original bill appropriating for pay of the officers, seamen, &c. $1,974,178 was increased by the senate to $2,492,040, and the committee on naval affairs reported an amendment, fixing the entire sum at $2,318,017.

The amendment to the senate's amendment was agreed to, and the amendment, as amended, was agreed to.

The amendment of the senate, appropriating $180,000 for a dry dock at Brooklyn, after some explanation from Mr. *Jarvis*, was disagreed to.

The question being on the amendment proposed by the committee to the senate's amendment, providing for an expedition of survey and discovery to the South Seas,

Mr. *Hawes* intimated some opposition to the proposition, and moved that the committee rise.

The question being taken, a quorum did not vote.

The committee rose, and reported that there was no quorum.

A quorum being ascertained to be present, the house again resolved itself into committee, and, on motion of Mr. *Cambreleng*, the committee rose and reported the bill making appropriations for the support of the army for the year 1836, with amendments.

The amendments were concurred in, and the bill was ordered to be engrossed for a third reading. Read a third time and passed.

After some efforts on the part of Mr. *Jarvis* to get up the navy bill, and the yeas and nays being once called when a quorum did not vote—

Mr. *Wise* moved an adjournment, and the question being taken by tellers, there appeared, ayes 62, noes 62, a tie.

The *chair* voted in the *negative*. So the motion was lost.

The question being again taken on the motion that the house resolve itself into a committee of the whole on the state of the union, it was taken by tellers, when there appeared ayes 77, noes 28, no quorum.

Mr. *Cramer* moved a call of the house.

Mr. *Storer* moved an adjournment.

The motion being put, the tellers reported ayes 62, noes 53. So the motion was agreed to, and the house adjourned.

Thursday, May 5. The rules were suspended in order to consider the bill providing for the naval service of 1836, and several of its items were discussed, especially that proposing an expedition to explore the Pacific ocean and Southern seas.

The house then took up the bill for the relief of the several corporate cities in the District of Columbia—the object of which is to relieve them from the payment of the debts caused by their subscriptions to the canal—by which the great and valuable property of the U. S. was benefitted as well as that of private persons, subject to *taxation*. The lots of the U. States amounted to 2,510; and if the city was thus relieved would be much enhanced in value. The committee rose and reported the bill, and the house adjourned.

REPORT FROM THE SECRETARY OF THE TREASURY.

In compliance with a resolution of the senate, relative to transfers of moneys received for public lands to the eastern cities, and the description of money received in payment for lands.

Treasury department, April 26, 1836.

SIR: This report is made to the senate in compliance with a resolution passed on the 18th instant, in the following words:

"*Resolved*, That the secretary of the treasury be directed to inform the senate what amount of moneys of the United States, received for public lands in the states of Ohio, Indiana, Illinois and Missouri, and the Michigan territory, has been, in pursuance of his instructions, transferred to banks in the eastern cities since the 30th of June, 1835; and that he designate the banks *from* and *to* which such transfers have been made; that he also inform the senate whether any such transfers are now ordered, and whether any of the deposite banks in the above named states or territory have authority to direct what money shall be received for public lands in the districts for which they are the depositories."

I reply, I will proceed to present full statements on the several points of inquiry, accompanied by such explanatory remarks as appear to be necessary to prevent misconception, and as, it is presumed from the general subject-matter of the resolution, would be desirable to the senate.

The last clause can, with greater convenience for the examination of the whole, be first answered. "Whether any of the deposite banks have authority to direct what money shall be received for public lands in the districts for which they are depositories," be the authority possessed either in point of law or fact, and directly or indirectly, will be apparent from the following considerations: This department entertains the opinion that congress alone possesses that authority in the first instance, to be enforced by the treasury, as the chief fiscal agent of the government, under such constructions of the laws relating to the subject as seem reasonable. An authority of this kind was accordingly exercised by that body as early as 1789, by requiring all duties on foreign imports to be "received in gold and silver only," by subsequently directing payment for the public lands to be made in "cash," and by often recognizing the principle, countenanced in the constitution, (in the prohibition of any state to "make any thing but gold and silver coin a tender in payment of debts"), that such coin alone should generally be permitted to be used as a legal tender either by or to the United States. The first modifications of those enactments and principles at any time are supposed to have been made by the construction adopted by Mr. Hamilton, that the treasury, into which the money was to be eventually paid, as the chief pecuniary agent of the government, could waive its right to specie, and could consent to receive the notes of state banks, when deemed by it equivalent in all respects to specie; and by the joint resolution of congress in 1816, which impliedly gave some sanction to this original practice, by prohibiting the treasury department longer to receive the notes of state banks not paying specie, and which it had, in the great emergencies connected with the war, allowed to be taken for public dues. The next modifications were by conferring, in the 10th section of the first charter, and in the 14th section of the second charter of the U. States bank, a right for its notes to be receivable for any and all public dues, an exclusive privilege or monopoly, which it never directly conferred on the notes of any state bank. The clause in the joint resolution of 1816, not forbidding the receipt of notes of state banks paying specie, has not been understood as amounting to an express grant of power, making those state notes a tender for public dues, else the explicit favor granted to the United States bank notes alone would have been nugatory, and the acts of congress, and the spirit of the constitution virtually allowing, as a matter of right, only gold and silver, (with the exception of the United States bank notes for a time) to be a tender to the United States, would have been entirely defeated.

In this condition of things, after that bank went into operation, its bills and specie alone were considered as a legal tender for any land sold, or duties to be paid. But, by the early construction before named, the treasury department generally, it is supposed, continued to believe itself empowered, whenever the measure seemed expedient, to waive the right to insist on the payment of gold and silver, or United States bank notes, if state notes could be had, which were deemed equal for every public purpose to specie.

Since 1817, no direction is known to have been given by this department, which is considered a departure from the spirit of the laws, the principles and the construction before named.—On the contrary, the great effort has been usually, and in particular for some years past, to make all the receipts and payments of the treasury, as far as practicable, in a sound and convenient currency, chiefly metallic, and more nearly approaching such as was believed to be originally contemplated by the founders of our present system of government, and as would prove most safe, uniform and useful to the whole community as well as to the treasury. But permission by this department has, sometimes, since 1817, been given to the deposite banks, whether United States or state, to conform to the before-named construction, as from time to time modified by this department, and to receive for the government, and place in the treasury, certain state bank notes, but which, as a general rule, were to be credited as specie, and specie alone was to be paid out for them, if desired. No account has been permitted to be opened, except in a few peculiar cases, some years ago, in the manner sometimes practised before 1817, of special deposites, consisting of state bank notes. And if, as at times has been the practice at various places, the United States bank, while a public depository, or the fiscal agents now used as deposite banks, have ever taken aught but specie and bills of the United States bank for the public dues; or, if receivers and collectors have done it, it has been done either as individuals, often from comity and accommodation, agree when exposed to no loss, to receive bank notes instead of specie; or it has been done under a supposed power, by some deemed doubtful, which has occasionally been exercised by this department, upon the construction formerly explained, to waive its strict right to specie, when it could be done with safety and convenience; but not, it is presumed, under an expectation to have the government charged with any depreciation, danger or expense which might attend that course. Hence, in most cases, during the last twenty years, the directions given have been explicit, that when state bank notes were received, they should be not only those of specie-paying banks, but such notes as the public depositories were willing to credit to the treasury as cash or specie. This indulgence was sometimes extended to the notes of only a few of the numerous banking institutions on the Atlantic seaboard. In the west, also, the practice is understood to have been similar, or, in certain places, more liberal, and in others more restricted. Thus, at St. Louis, it is said that, at times, the bank of the United States declined waiving its right in favor of any state bank notes whatever, and accepted none whatever from the receivers for Missouri, Illinois and Indiana, who deposited there, and that these last officers received none from the community for public lands,

Such a course may sometimes have been entirely voluntary with the bank, though occasionally it was without doubt countenanced by instructions from this department, of the character before and hereafter mentioned. In the destruction of our records by fire, it is not possible to ascertain its exact origin or extent, in many cases.

But Mr. Crawford, in 1817, on the appointment of branches by the United States bank, appears to have issued circulars, prohibiting the United States officers from "*receiving any bills* which will not be received by them (those branches) as cash," and requested "that all the banks of deposite be directed to furnish any collector or receiver of public moneys with a list of the banks, the bills of which will be received *as cash*."

It is believed that, in 1823, Mr. Crawford wrote a letter, extending the indulgence to certain notes of banks in the eastern cities, in whose favor was the balance of trade, and to the specie-paying bank notes "in the state in which the land office is situated." But whether he did this by the request or assent of the United States bank, the public depository, I have not ascertained, though such is presumed to have been the case, and that the notes were to be credited as cash. Because, early in 1826, Mr. Rush, as secretary of the treasury, further regulated the indulgence and limited it to the notes of certain enumerated state banks, which not only "paid specie for their notes on demand, but were otherwise in good credit," and enjoined that "as the receipt of any of the local or state bank notes may be discontinued at any time without previous notice, it will be well for those who have payments to make, to provide themselves with specie or notes of the United States bank or its branches, to guard against any change that may be found proper in regard to the notes of the local or state banks." A general, important and controlling direction was then added, which shows that these mitigations probably sprang from the consent of the United States bank, and were dependent chiefly for their continuance on its disposition to waive at any time its strict legal rights. That direction was, "the receivers will also cease to receive any local or state bank notes, that the bank in which they are instructed to make deposite may refuse *as cash*, or which, in the exercise of a sound discretion, the receiver might not think it prudent to receive.

After the removal of most of the deposites from the United States bank in 1833, the spirit of accommodation in this respect, by the selected state banks, led to a greater voluntary indulgence in the receipt of state bank notes, and to agreements by many of them to receive such from the same and adjoining states. But, during the alarm as to the safety of the state banks in the spring of 1834, it became prudent to remind the public depositories and receivers, as well as collectors, of the necessity for increased caution on that point, and if any notes of those banks were taken from comity or accommodation to the community on voluntary agreement, that it must be in conformity to what had been the principle and usage under the United States bank; or, in other words, only such as the public depositories "would agree to pass to the credit of the United States as cash." A circular to that effect was accordingly issued by my predecessor, March 26, 1834, a copy of which is annexed. The practice since has been according to the approved principles in that circular, conforming to the substance of the usage since 1817.

No different directions or authority have been given on this subject by this department since that circular, not even to accept notes issued by any other deposite bank whatever, and whether payable near or at a distance, thinking that neither law nor sound policy had recently required it to interfere in a different manner in relation to that topic, without further and express sanction from congress.

The department, however, has not hesitated to recommend to the deposite banks the exercise of as great liberality in waiving their strict rights on this subject as their safety, the state of the currency and public convenience, should unite in permitting. It has likewise encouraged them, as the United States bank notes were presumed to be retiring from circulation, to make provision for the greater and convenient substitution of state bank notes, by the redemption of their own, in certain cases, and under certain circumstances, either at each other's counters, or in those large cities in whose favor was the balance of trade.

A number of the state banks have made these arrangements to a considerable extent, and it is trusted that not less, if not greater indulgence and accommodation have been usually exercised by the present public depositories in voluntarily relinquishing the right to receive specie than could safely be exercised at any former and similar period. Furthermore, it is presumed that as much comity will continue to be exercised by them as the preservation of a sound currency; the due restriction of excessive issues; the gradual substitution of hard money for small bills; the various obligations imposed by congress concerning the public money, and as the safety and duties of the depositories themselves will warrant. It belongs to congress alone to permit, as a right, if it deems proper, the reception of other money than specie for the public dues, at the risk and on the responsibility of the government; and to require that the treasury department, as was practised in 1816 and 1817, should open an account with the public depositories for bank notes instead of specie, and, as then, keep those notes accumulated till they could thereafter be sent to a distance for redemption, and the specie obtained at the public expense; or, if the banks failed in the mean time, should, as then, be kept on hand, useless, till the unavailable funds in the treasury swell again to millions. But this department, without the explicit sanction of congress, or, perhaps, the sudden occurrence of some great emergency, has seldom felt and should not now feel authorised to give such directions, or to permit such practices.

The passages of the two acts of congress during the last and present year, bearing on this subject, have, more strongly than in 1816 and before, been considered to evince a continued hostility in that body to any such steps, and have, with other obvious circumstances connected with the currency, influenced the undersigned to make no departure from the circular of his predecessor.

By the fourth section of the act of March 31, 1835, it was provided not only that no payment should be made of any appropriation passed that session in bank notes not *at par value at the place* where such payment was made, but that "nothing herein contained shall be construed to make any thing but gold and silver a tender in payment of any debt due from the United States to individuals."

By the second section of the recent act of 14th April, 1836, besides the important enactment that no bank note under ten dollars shall be hereafter paid at all by the United States agents, and after the 3d March, 1837, none under twenty dollars, nor even those, unless convertible into gold or silver *at par, on the spot where paid, and without delay*, it was declared that this should not be "construed to make any thing but gold or silver a legal tender *by any individual*, or by the United States." In order, last year as well as now, to carry the first of those provisions into effect, it is rendered imperatively necessary for the deposite banks to have not merely specie enough on hand to redeem their own bills in the manner and to the extent usually presented, and to meet the ordinary calls on them for specie by their private depositors, but to pay, or be able to obtain forthwith the means to pay, in gold and silver, if desired, and, when desired, every dollar of the public money on hand appropriated in behalf of public creditors and officers.

If now bound by the last law still further to prepare, and in less than a year, not to pay any bank note on account of the United States under twenty dollars, and those of twenty or more to be "convertible at par," immediately and "on the spot," into specie, and if all public debtors and puchasers, as well as the United States, are now, by the last act, properly recognised as being allowed to tender nothing but specie for public dues, and could not before tender any thing but specie or United States bank notes, then it must be obvious that any further relaxation than what already exists on this subject, whether granted by any officer of the treasury or by any deposite bank, must be at their own hazard and responsibility.

It is further manifest that any such relaxation would be in derogation of the laws of the land and of the policy of congress, unless the fiscal agents receive, instead of specie, what they consider an ample and safe substitute, and credit the treasury with specie alone, and pay out specie alone if requested.

In the convulsions of trade and excesses of speculation, which have characterized the last twelve months, with the large accumulation of public funds in the treasury, and the very extensive, if not over-issue, of bank notes by many institutions, it is only congress who should order, if deemed expedient, a change in the whole system and policy generally pursued during almost twenty years; and to give directions which may tend to increase the present large issues of paper: to endanger our own deposite; to diminish the whole specie of the country, and retard the more extensive circulation of a sound gold and silver currency for the numerous common purposes of life.

As materially connected with the system concerning the money received, the department, before the passage of this last act by congress, had within the year past, twice issued circulars about payments in specie and small bills, and sent frequent injunctions to the deposite banks, in accordance with the spirit of some of those provisions. Another was issued by Mr. Rush, as early as 1826, against the receipt of any notes under five dollars.

The department has felt still more encouraged, since the passage of the last act, to persevere, in all proper efforts to cooperate with what appears to be the frequent and clear expression of opinion on the part of the representatives of the people and the states, and with what accords with its own wishes and views, to preserve the financial concerns of the treasury and its fiscal agents, the deposite banks, in as safe a condition as possible, with an ample proportion of specie, and other effective means on hand, to answer with promptitude the demands which may be made through the authority of congress for the public money; to cause their disbursement as far as practicable and convenient, and especially in small sums, to be made in gold and silver alone; and to guard with vigilance against those disasters from over-issues, and receipts of paper, which, on some former occasions, aided to bring such calamities, not only on the state banks themselves, but on the community and the treasury.

The above are some of its principal reasons for entertaining an opinion that the deposite banks have, by law, no original or independent "authority to direct what money shall be received for public lands in the districts for which they are depositories;" but that such power belongs to congress alone, and, with certain modifications, not intended to violate the spirit of the acts of congress, to the treasury department, as the chief fiscal agent in enforcing those acts. Any course rightfully pursued by the deposite banks on this subject, except the numerous liberal indulgences granted at their own risk, must, therefore, conform

to those acts, and to the instructions communicated to them and the receivers by this department, in accordance with the supposed intention and true construction of those acts.

Having answered this branch of the inquiry in the resolution of the senate, and presuming early information on the subject will be acceptable, I hasten to communicate it. So soon as a reply to the other branches of the resolution can be perpared, amidst the severe and uninterrupted pressure of other official engagements, I shall promptly submit it. Respectfully,

LEVI WOODBURY, *secretary of the treasury.*

To the hon. *Martin Van Buren, pres't of the senate of the U. S.*

CIRCULAR.

Treasury department, March 26, 1834.

SIR: Reports occasionally reach Washington unfavorable to the credit of particular state banks. Many of these rumors are, no doubt, without foundation. But it is the duty of public officers to be continually watchful of the public interests, and it is therefore expected that you will be careful to receive the notes of no banks except such as are in good credit, and pay specie promptly for their notes when presented, and you are to receive none except such as the bank in which you deposite will agree to pass to the credit of the United States as cash. And, in order to remove all possible grounds of controversy or complaint, you will immediately, on the receipt of this letter, obtain from the bank in which you deposite, a list of the state banks whose notes they will consent to receive and pass to the credit of the United States, as above mentioned.

Very respectfully, your obedient servant,

R. B. TANEY, *secretary of the treasury.*

DEBATE IN THE SENATE.

SPEECH OF MR. RIVES, (OF VIRGINIA),

On Mr. Benton's expunging resolution.

Monday, March 28.

Mr. *Clayton* moved that the resolutions of the senator from Missouri should be taken up, in order that the discussion upon them might proceed. The motion being adopted—

Mr. *Rives* then rose, and addressed the senate, in substance, as follows:

If no other gentleman, Mr. President, be disposed to do so, I will avail myself of the opportunity afforded by the motion of the senator from Delaware, to trouble the senate with some remarks on the subject now under consideration. In doing so, I do not propose, at this time, to go into the wide field of diversified and interesting matter opened for discussion by the resolutions of the senator from Missouri. My purpose will be to confine myself, at present, strictly to the constitutional question which has been raised as to the power of this body to expunge from its journal an entry heretofore made upon it, trusting to the indulgence of the senate, in a future stage of the discussion, to be permitted to present my views of the other highly important questions involved in the general subject. I propose thus to limit my remarks for the present, because the constitutional question is naturally and properly preliminary to all the rest, standing first in the order of discussion, as well as first in importance, for, however justly obnoxious I deem the resolution of March, 1834, to the various exceptions which have been taken to it, it certainly ought not to be *expunged*, unless, under the constitution, we have the rightful authority to do so. It seems proper to confine my remarks, for the present, to this single view of the subject, for the further reason that, as yet, the able and lucid arguments of the senator from Missouri on the other branches of the discussion have remained without any answer, or even an attempt to answer them.

A free people, Mr. President, and especially the enlightened people of this country, are naturally and wisely jealous of the observance of their fundamental law, and acutely sensible to any violation, actual or meditated, of its provisions. Hence it is that, in the warfare of parties, appeals are so frequently made to this patriotic instinct in the public mind, and alarms, often groundless and artificial, attempted to be raised in regard to the security of the constitution. Hence it was, I presume, that in the memorable contest of which this chamber was the theatre two years ago, the president was denounced as a usurper of ungranted power, as a violator of the constitution and the laws of his country; when, if all that was alleged by his adversaries could be sustained, it would have made but a case of the misapplication or abuse of power granted both by the constitution and the laws. Hence it is, too, I suppose, that, on the present occasion, a *new panic* is attempted to be raised, by holding up the image of mutilated records and a violated constitution, and that the exercise of a lawful discretionary power over their own journals and proceedings, which has been known and admitted since the origin of legislative bodies, and is familiar in parliamentary practice, wherever such bodies exist, is represented as something monstrous, iniquitous, and even felonious. If gentlemen expect thus, by the use of strong language, bold assertion, and vehement denunciation, to carry the public judgment by storm, they will, in my humble opinion, find themselves woefully deceived. The public mind is, at this moment, calm, self-balanced, scrutinizing, inquisitive; and, instead of mere assertion and vague denunciation, it will require reason, argument, proof.

It is in this spirit, Mr. President, that I shall proceed to the examination of the objection which has been made to the proposition under consideration, on the ground that it demands an act to be done which is forbidden by the constitution. What, sir, is the argument of gentlemen on this subject, so far as argument has been attempted? It is, that as the constitution requires that "each house shall keep a journal of its proceedings," an entry once made upon that journal can never thereafter be, in any manner, touched, altered or removed; that, if we do so, we fail, from that moment, in the language of the constitution, to "keep a journal of our proceedings." The connexion between the premises and the conclusion in this reasoning is, I must confess, Mr. President, to my mind incomprehensible. If this body shall, by a formal resolution, entered on its journal, direct a previous entry, improvidently, wrongfully or erroneously made, to be corrected or removed, does it follow from thence that we do not still keep a journal? On the contrary, this very proceeding, in being entered on the journal, and embodying the whole history of the transaction, is itself a fulfilment of the constitutional injunction in its true and well understood sense—that of writing down, from *day to day*, our *daily* transactions as they transpire.

But it is not my intention, Mr. President, to discuss this question on the niceties of verbal criticism. I choose rather to take it up on the broad views of the common sense and practical meaning and operation of the constitution. While the constitution requires that each house shall keep a journal of its proceedings, it does not direct *how* that journal is to be kept. The manner of keeping it, what is to be put upon it, what not; the nature, the form, the fulness of the entries, are all matters left for the regulation and control of the body whose duty it is to keep the journal. In these respects there is great diversity of usage among legislative bodies. By some the entire bill presented for its action is spread on the journal, as was done during the two first congresses under the present constitution by this body. By others, the title of the bill only is entered on the journal, as is now the practice both of this house and the other branch of congress. By some, the reports of committees are entered in full on the journal, as was done by the old congress under the articles of confederation, and is still practised, I believe, by the legislature of Virginia. By others, the resolutions only, reported by committees, are admitted to a place on the journal. According to the rules and practice of some legislative bodies, as, for example, of this, proceedings in committee of the whole are entered on the journal; while in others, as in the house of representatives, no notice whatever appears on the journal of what has been done in committee of the whole. I might mention, also, as illustrating the discretionary powers which every legislative body possesses over its journal, the apparently anomolous practice, founded, however, on long usage, of both this house and the other, to enter on their respective journals the messages of the president, though not forming a part of their own "proceedings," of which only they are required to keep a journal.

It results from these considerations that, although each house of congress is bound to keep a journal of its proceedings, yet that journal, as to the manner of keeping it, the nature and character of its contents, what is to be upon it, what not, is necessarily subjected to the control of the body whose duty it is to keep it. This control is an inseparable part of that *self-governing* power, in all matters of interior economy and parliamentary *regime*, which the constitution expressly delegates to either branch of the legislative department. *Each house*, by the constitution, is "to choose its own speaker or president, and other officers." "*Each house*, also, shall be the judge of the elections, returns and qualifications of its own members." "*Each house* may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." "Each house shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy." In regard to all these powers and functions, a very large discretion is necessarily left to either house, in the exercise of which abuses doubtless may be committed. But the *possibility* of abuse is no argument against the existence of a power. Congress has, by express and unequivocal grants in the constitution, power "to lay and collect taxes," &c. and "to raise and support armies." In the exercise of these powers, congress might raise, even in time of profound peace, an army of half a million of men, and levy upon the people annually two or three hundred millions of dollars for their support, converting one-half of the nation into soldiers, and the other half into paupers. There could be no grosser abuse; and yet the constitutional power would still be indisputable. Where it has been deemed necessary and proper, for the public good, to vest any particular power in the government, or a department of it, the constitution grants the power, and provides securities against its abuse in the structure and organization of the government itself. The periodical election of the public functionaries by the people, and for the most part for short terms, their responsibility to their constituents, and the constant influence and control of public opinion, are relied upon in our system as conferring every reasonable security against the gross abuse of necessary powers.

The large discretionary power which the constitution has left to either house of congress over its journals is strikingly exemplified in the provision respecting their publication. Each house is required by the constitution to publish its journal from *time to time*, excepting such parts as may, *in their judgment*, require secrecy. Now, under the terms of this provision, either house of congress, if disposed to abuse the trust reposed in them, might suppress and withhold from the know-

ledge of the people the most important part, if not the whole of their proceedings, under the plea that they were such as, in their judgment, required secrecy.

In the jealous apprehensions which were entertained at the time of the adoption of the constitution, of the encroachments and abuses of the new government, this objection was strongly urged against the clause in question; but it was replied and with success, that every legislative body must have the power of concealing important transactions, the publication of which might compromise the public interests; and as it was impossible to foresee and enumerate all the cases in which such concealment might be necessary, they should be left to the sound discretion of the body itself, subject to the constitutional responsibility of members, and the other securities provided by the constitution against the abuse of power. These securities have hitherto been found sufficient, and, in point of fact, the journals of both houses have been published from day to day, with such special and limited exceptions as have been universally approved by the public judgment.

This publication, when made, is the practical fulfilment and consummation of the design of the constitution in requiring a journal to be kept, by either house, of its proceedings. It is agreed, on all hands, that the great object for which a journal is required to be kept is, to give authentic information to our constituents of our proceedings; and that information is to be given, as the constitution provides, by means of a publication, from time to time, of the journal itself. The requisition to *keep* a journal, on which gentlemen have laid so much stress, is therefore merely introductory, or what the lawyers call matter of *inducement* only, to that which forms the life and substance of the provision, to wit, the *publication*, from time to time, of the journal. The whole structure and sequence of the sentence sustains this interpretation: "Each house shall keep a journal of its proceedings, and, from time to time, *publish* the same." It is evident that the whole practical virtue and effect of the provision is in the latter member of the sentence, and that the former would have been implied and comprehended in it, though not expressed. It will be seen that the corresponding provision in the articles of confederation was founded explicitly on this idea; for, presupposing the keeping of a journal as a matter of course, it proceeded at once to require that "congress shall publish the journal of their proceedings monthly, excepting such parts thereof relating to treaties, alliances or military operations, as, in their judgment, require secrecy."

Nothing was said of *keeping* a journal, that being presupposed, and necessarily implied; but can any one doubt, though the articles of confederation were silent as to keeping a journal, that congress was as much bound to keep a journal of their proceedings under that instrument, as each house is now bound to do under the existing constitution? How could they make the required monthly publiction of their journal, unless a journal were kept by them? The requisition, therefore, in the present constitution, to keep a journal, is but an expression, for the sake of greater fulness, of what would otherwise have been implied, and serves only as a more formal introduction to the practical end and substance of the constitutional provision on the subject, and that with which it emphatically concludes, to wit, *the publication*, from time to time, of the journal. That publication once made, and the people put in possession of the authentic evidence of the proceedings of their agents, the purposes of the constitution are fulfilled, and the preservation of the original manuscript journal becomes thenceforward an official formality.*

Even if the true and only meaning of the requisition to *keep* a journal were that which has been so much insisted on, that is, to *preserve*, do not gentlemen preceive that the preservation of the journal is fully and most surely accomplished in its publication? The thousand and ten copies which the secretary has told us are regularly printed and distributed by order of the senate to the members of congress, to the various public functionaries to the state governments, to public institutions and societies throughout the union, furnish a far better security for the preservation of the journal than the most scrupulous care and vestal guardianship of the original manuscript; which, in spite of every precaution, might yet be lost or destroyed by inevitable accident. These multiplied printed copies, while placing the preservation of the journal beyond the reach of contingency, are, at the same time, for every practical public use, whether of legal evidence or political accountability, on a footing of equal validity with the manuscript original.

The numerous parliamentary precedents in England, as to the power of legislative bodies over their journals, are not denied; but it is contended that those precedents should have no weight here, because the constitution of the United States expressly requires that each house of congress shall keep a journal; while in England, it is said no such requisition exists in regard to either house of parliament. The requisition in the constitution of the United States, I have already shown, is but declaratory of the natural and pre-existing law of all legislative bodies of whose organization and functions it is a necessary and invariable incident to keep a journal of their proceedings; and in this view I am borne out, not only by the example of the articles of confederation, but by that of several of the state constitutions, which, presupposing the *keeping* of a journal as a matter of course, provide only, after the manner of the articles of confederation, for the periodical *publication* of it from time to time. But, without dwelling farther on this view of the matter, it is altogether a mistake to say that there is no positive requisition that either house of parliament in England shall keep a journal of their proceedings. I find the classic historian of that country stating that, in 1607, when the nascent pretensions of the Stuarts, and the spirit of the age, first made the house of commons sensible both of its importance and responsibility as a guardian of the public liberty, that body entered a formal order for "the regular *keeping* of their journals." Subsequently, in 1621, as I learn from another authority not less authentic, (Hatsell), an entry was made in the journal of the house of commons, on the motion of sir Edward Sackville, in these words: "That all our *proceedings* may be entered here, and *kept* as records." Now, sir, it is very remarkable that these two orders of the house of commons contain the identical language of the constitution of the United States, to wit, that a journal shall be *kept* of their *proceedings*. In each of them, the magic word to *keep*, which seems to have exerted so potent a spell on the imaginations of gentlemen, is found; and yet we know it has never been held to be a violation of, or inconsistent with, this order to *keep* a journal of their *proceedings*, for the house of commons, in certain cases, to apply an effectual corrective to wrongful or improvident entries previously made in it. It may be said, however, that this order, being made by the body itself, is not obligatory on its own action. To this I reply, that the rules prescribed by parliamentary bodies for their government are always binding upon them, till rescinded or repealed; and while a rule or order is retained, nothing inconsistent with it can be done, unless the rule be first suspended by a vote of the body. Such is the invariable practice, both of this and the other house of congress, as of legislative bodies elsewhere.

But this matter stands on still higher ground. An act of parliament, which all will admit is binding on the respective houses, and which neither house can repeal or control by its separate action, virtually requires a journal to be kept by the house of commons, in requiring certain entries to be made in it. I refer to the statute of 6 Henry VIII, which provides "that the license for members departing from their service shall be entered of record in the book of the clerk of the parliament, appointed, or to be appointed, for the commons' house." The book of the clerk for the commons' house, here referred to, and in which certain things are required to be entered *of record*, is of course the journal of the house. But how can these entries be made in the journal unless a journal be kept? This act of parliament, therefore, requires, and virtually commands, the keeping of a journal by the house of commons; just as the articles of confederation, already referred to, in providing that congress "shall publish the journal of its proceedings monthly," virtually requires congress to keep a journal; for, otherwise, the required publication could not take place.

The distinction, therefore, which has been relied upon to justify the rejection of the British precedents on this subject, is not founded in a just view of the constitutional or parliamentary history of that country. The two houses of parliament are, in fact, bound and required to keep a journal of their proceedings, as well as the two houses of congress.—They are bound to do so by the very nature of their institution, by their own rules and orders, and by the virtual command of act of parliament. If, therefore, a similarity or community of principle could, in any case, justify arguing from the institutions and usages of the one country to those of the other, it is certainly upon a question like the present. I find that much use was made on another and recent occasion in this body, of British parliamentary precedents, by gentlemen who seem now inclined to disavow and reject them altogether. If I am not mistaken, the senator from South Carolina, (Mr. *Calhoun*), on the question which was so earnestly and ably debated here recently, as to the right of either house to refuse to *receive* a petition, introduced Hatsell's work, the great repository of British parliamentary precedents, and drew largely from it in support of the position he maintained, that it would be no violation of the right of petitioning, as guaranteed by the constitution, to refuse to receive a petition after presentation.

Mr. *Calhoun* here explained, and was understood to say that gentlemen on the other side of the question in that discussion had referred to the English laws and doctrines on the subject of the right of petition, and that he made use of the parliamentary precedents from Hatsell to show that, in the British parliamentary practice, it was held no violation of the right of petition to refuse to receive a petition.

Mr. *Rives* said he had not the pleasure of hearing the speech of the gentleman from South Carolina, but he inferred from

*It is a remarkable fact, that there is no original manuscript journal of the house of representatives in existence from the date of the adoption of the constitution to the 1st session of the 18th congress, 1823–'24. As soon as the journal was printed and published, it was supposed there was no longer any practical motive for retaining the original manuscript journal, which was, therefore, never taken care of or preserved. Such was the practice during the whole period of the clerkship of the celebrated John Beckley, than whom there never was a more accomplished clerk, and but few abler men; and if there be propriety in the maxim, *cuilibet in sua arte credendum est*, such a practical construction of the constitution, in this regard, by a man so conversant with his business, must be admitted to be entitled to no slight consideration.

reading it that he considered the parliamentary practice of Great Britain as, at least, high authority in reference to the question then under discussion. I am not at all diposed, (said Mr. R.) to question the propriety of the application then made by the senator from South Carolina of precedents from the English parliamentary practice. I mean only to say that, however applicable they may have been on that occasion, they are at least as much so on the present.

The precedents in the British parliamentary practice, (which, it must be admitted, has furnished the model, and, to a great extent, the law of the proceedings of our legislative bodies here, and in every state of the union), are, on the subject now under consideration, full, unequivocal, and conclusive. Some of them have been mentioned on this floor, and are familiar to the minds of gentlemen. I will not repeat them; but there are two cases which, I believe, have not attracted the notice of gentlemen, and which, from the peculiar grounds on which they stand, illustrate so forcibly the high supervisory and controlling power of parliamentary bodies over their journals, that I will take the liberty of detaining the senate a few moments, with their recital. In 1668, Skinner, an English merchant, presented a petition, to the king, complaining of various wrongs and outrages he had sustained from the East India company. The matter was considered not cognizable by the ordinary tribunals, and was referred by the king to the house of lords. Strong objections were urged to the jurisdiction of the house of lords; but they nevertheless, took cognizance of the affair, and finally entered a judgment in favor of Skinner against the East India company, for £5,000 damages. This proceeding was immediately and earnestly resisted by the house of commons, as contrary to the law of the land, and an invasion of the rights of the people. A violent and protractive controversy ensued between the two houses; and the lords being compelled at last, after a struggle of eighteen months, and repeated prorogations of both houses, to yield their claim of jurisdiction, they *expunged* from their journal the judgment they had entered in favor of Skinner against the East India company, and the whole of their proceedings connected with it; whereupon the commons, in like manner, *expunged* from their journal the various resolutions and proceedings they had adopted. In this instance, we see a proceeding even of a judicial character, under which private rights might be claimed, *expunged*, in virtue of the high discretionary authority of parliamentary bodies over their journals; and in *such a case*, perhaps, the expunction is admissible, mainly on the ground that the obnoxious proceeding took place in the exercise of an *illegal* jurisdiction, at last admitted to be such, and intended to be renounced, as in fact it was finally abandoned, by the act of *expunging* the judgment, which was its fruit.

The other case to which I have alluded occurred in the proceedings on the recognition bill in 1690. A clause was introduced into that bill on the motion of the whig party of that day and the friends of the revolution, declaring that the acts of the convention parliament, though assembled without the formality of a royal summons, were good and valid. This was strongly objected to by the tory lords; a number of whom, by the leave of the house, entered their *protest* against it on the journal.

The senate well know that it is a distinctive and fundamental principle in the constitution of the house of lords, that any member or number of members, dissenting from a measure which has passed that body, have the *right*, with the leave of the house, to enter a formal *protest* against it on the journal. In this case, the leave of the house was granted. The right of the protesting lords became thereby vested and complete; and yet it appearing, on a subsequent examination of the *protest*, that the grounds of objection taken in it assailed, and were subversive of, the principles of the revolution, and settlement of the government just accomplished, the house ordered it to be *expunged* from their journal; which order was carried into execution, and gave rise to another *protest* for expunging the former *protest*.

But the precedents of parliamentary expunging are by no means confined to the land of our ancestors, from which we derive the model of our parliamentary institutions and proceedings. Similar instances have occurred in our own country, both before and since our revolution, subsequent as well as previous to the adoption of our present federal constitution, both in the state and in the national legislatures. There is a case in the history of my own state, which, as there appears to have been singular misconceptions about it, the senate will excuse me for mentioning somewhat in detail. I refer to the expunging of a resolution of Mr. Henry, which took place in the house of burgesses of Virginia in 1765. This transaction has been referred to as an odious and abortive attempt at expunging made by the *king's party* in the house of burgesses, which was *defeated* by the energy and talents of Mr. Henry. Such, sir, are not the facts, as transmitted to us by the most unquestionable contemporary testimony. The attempt to *expunge* was not defeated. The proposition, on the contrary, was carried. It was carried not by an odious *king's party*, but with the concurrence, as we are authorised to believe from the only account extant of the transaction, of men who were, and who proved themselves to be, among the brightest champions of American freedom and independence; such men as Peyton Randolph, the president of the first American congress, George Wythe, Edmund Pendleton, Richard Bland, Richard Henry Lee, all of whom afterwards put their hands to the Declaration of American Independence, or bore a conspicuous part in the deliberations which led to and established it. The circumstances were these: Mr. Henry moved a series of resolutions, five in number, declaratory of the rights of the colonists. The four first of these resolutions merely re-affirmed what had been earnestly asserted only six months before by the house of burgesses in three several documents of the most solemn character, an address to the king, a memorial to the house of lords, and a remonstrance to the commons. The fifth resolution, however, went somewhat further, and seemed to tender at once an issue of force with the mother country. These resolutions were opposed by Messrs. Randolph, Bland, Pendleton, Wythe and other gentlemen, as devoted and firm friends of the rights of America as any of the great statesman and patriots of that day, but who deemed Mr. Henry's resolutions inexpedient at that moment, inasmuch as the sentiments and principles they contained had already and very recently been expressed in other proceedings, to which the expected answers from the government in England were not yet received. The fifth resolution was deemed especially inexpedient in the then feeble and defenceless condition of the colony, as it might provoke a conflict of force, for which time and forecast were necessary to prepare. The resolutions, however, under a powerful display of Mr. Henry's eloquence, were passed by one or two votes only; but on the following day, on a motion made for that purpose, and carried, the fifth resolution was expunged from the journal. These are the facts as vouched by the testimony of Mr. Jefferson and the elder judge Carrington, (both witnesses of the transaction), and as recorded by the eloquent biographer of Mr Henry himself. There was then no odious and abortive *attempt* to expunge, made by a *king's party*, in the house of burgesses. The attempt was not *defeated*, as has been said; on the contrary, the proposition to expunge was *carried*, and carried, as we are authorised to believe by the only authentic account which has reached us of the transaction, by the influence and with the concurrence of high-souled American patriots—of Peyton Randolph, president of the first congress, Richard Bland, one of the chosen delegates of Virginia to that glorious assembly, Edmund Pendleton, another delegate, and George Wythe, whose name stands proudly at the head of the Virginia signatures to the Declaration of Independence. The two last named gentlemen, Mr. Pendleton and Mr. Wythe, afterwards, and for a long period, respectively presided in and adorned the highest courts of law and equity in the state; and it will be no disparagement, I humbly conceive, to the pretensions of the highest here, to say that they understood as well, and felt as religiously, the sanctity of a *record*, as any gentleman on this floor.

Examples of the like character have occurred in the other states. In the senate of Massachusetts, as is well known, a few years after the close of the late war with Great Britain, a resolution was triumphantly carried for *expunging* from its journal the anti-American sentiment which the baleful spirit of party had recorded there, in the very midst of the conflict—that it was unbecoming a moral and religious people to rejoice in the successes of our arms. At a more recent period, some seven or eight years ago, the senate of another highly respectable state, (Tennessee), as I learn from undoubted authority, directed a formal and important entry on its journal to be *stricken out;* which was done in the very manner proposed by the resolution on your table, by drawing a black line around the condemned entry. But without dwelling on these instances, let us descend to cases which come more immediately home to ourselves. The case which occurred in this body in 1806, and which has been already noticed by the senator from Missouri, has been in vain attempted to be parried or evaded.*

* In that case, the following are the facts: on the 21st day of April, 1806, being the last day of the session, Mr. Adams presented two memorials, which are thus noticed on the journal:

"Mr. Adams communicated two memorials, one from Samuel G. Ogden, and the other from Wm. S. Smith, stating that they are under a criminal prosecution for certain proceedings, into which they were led, by the circumstance that their purpose was fully known to, and approved by, the executive government of the United States; that on this prosecution, they have been treated by the judge of the district court of the United States, at New York, Mathias B. Tallmadge, esq. in such a manner that the same grand jury which found the bills against them made a presentment against the judge himself, for his conduct in taking the examination and deposition of the said Samuel G. Ogden. And the memorialists, considering congress as the only power competent to relieve them, submit their case to the wisdom of congress, and pray such relief as the laws and constitution of this country, and the wisdom and goodness of congress, may afford them; and the memorials were read; and, on motion,

"*Ordered*, That the memorialists have leave to withdrawn their memorials respectively."

These memorials appear to have been presented in the morning. After disposing of them, and a variety of other business, the senate took a recess, and met again at five o'clock P. M. The very last entry on the journal of the evening session is the following order, adopted on ayes and noes, for *expunging* every thing in the journal relative to the aforesaid memorials:

"On motion, that every thing in the journal relative to the memorials of S. G. Ogden and Wm. S. Smith be expunged therefrom," it passed in the affirmative. YEAS: Messrs. Adair,

In that case, a formal entry, made on the journal in pursuance of the standing rules of the senate, and in strict conformity to the truth of facts, as they transpired, was ordered to be *expunged*, and actually *expunged*. The entry recited the substance of two memorials presented by a member of the senate, containing grave and criminal insinuations against the executive, and stated also, the proceeding of the senate, which took place on their presentation. This entry, as I have already remarked, was in strict pursuance of the standing rules of the senate, the 32d article of which expressly requires that "a brief statement of the contents of each petition, memorial or paper, presented to the senate, shall be inserted on the journal;" and, in general, that "a true and accurate account of the *proceedings* of the senate shall be entered on the journal." Now, sir, how is the force of this precedent in the annals of our own body attempted to be parried? Why, sir, by the circumstance that the order for *expunging* the obnoxious entry was adopted on the same day (the last of the session) that the entry itself was made, it being contended that the journal is not complete till it is read over in the senate, as it usually is the following morning, for the purpose of correcting any mistakes which may have been made in it; and that, till that ceremony has been gone through, it is under the perfect control of the senate, and fully open to revision and correction. This is the argument of the honorable senator from Louisiana, (Mr. *Porter*.) It is obvious to remark upon it, in the first place, that it confounds two things entirely distinct in their nature, and wholly different in the principles on which they rest—the correction of *mistakes* in a journal, and the *expunging* of matter therefrom, in which there has been no *mistake*, but which is otherwise and intrinsically objectionable. The purpose for which the journal is ordinarily read over in the morning, after it is made up by the secretary, is simply to correct any *mistakes* which may have been made in the entries upon it. This is explicitly declared by the standing rules of the senate, the very first of which provides that the "president having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to *the end that any mistake shall be corrected that shall be made in the entries*."

Now, sir, in the precedent of 1806, there was no *mistake* in the entry which was ordered to be expunged. It recited *truly*, and in compliance with a positive injunction of the rules of the senate, the substance of the memorials presented, and the *proceeding* of the senate on their presentation. There was and could be no allegation of any *error* in these respects. The entry was ordered to be expunged, not because of any *mistake* in it, but because the *matter* of it was unjust and wrong; because it went to criminate the executive administration of the country, without proof or probability; and for that reason ought not to stand upon the journal of a co-ordinate department. It is in vain, therefore, to endeavor to resolve the precedent of 1806 into the ordinary power of revising and correcting the journal before it is finally made up. It was a far different thing. It was no process of correcting *mistakes* in entries on the journal, which is ordinarily done the morning after the entries are made, and without the formality of an order or resolution. It was the exercise, on the part of this body, of a higher and more important power—a power not to correct mistake, (for there was none), but to redress wrong—to purge its journal, not of erroneous entries—but of improper matter, in the entry of which there had been no error or mistake; a power which, from the nature of it, and the principles on which it is founded, must exist in as full force the next *year* as the next *morning* after the objectionable entry has been made.

No ingenuity, Mr. President, however great, no effort of mind, however gigantic, can ever succeed in the attempt which is made to reconcile the senatorial precedent of 1806 with the doctrines of gentlemen who oppose the resolution now under consideration. On what, sir, is their whole argument built? Is it not the assumption that each house of congress, in being required to "keep a journal of their proceedings," is bound to *preserve* to all future time the record of *each and all* of their proceedings; that every act or proceeding of either house should be entered on the journal; and once *truly* entered there, that entry can never thereafter be touched, altered or removed, but must remain as it is, without the change of a letter or comma, to the "last syllable of recorded time?" Now, sir, can it be contended that the presentation of the memorials of Messrs. Smith and Ogden, by a member of the senate, the reading of those memorials, the action taken upon them by the senate, were not *proceedings* of which the constitution requires a journal to be kept? We have already seen that the rules of the senate, adopted for the purpose of fulfilling the injunction of the constitution, expressly require all these things to be entered on the journal. Can it be pretended that these matters were not *truly* entered? By no means. In every possible aspect, then, in which the proceedings of this body, in 1806, can be viewed, it utterly prostrates the whole fabric of *technical* refinement on which the arguments of gentlemen against the power to *expunge* have been raised.

A case of expunging, involving precisely the same principle, and leading to the same consequence, occurred in the house of representatives not many years ago. On the 25th of February, 1822, Mr. Randolph, of Virginia, being informed that Mr. Pinckney had just died in this city, (where he then was,) rose and announced the event to the house, with the impressive eloquence which the loss of such a man naturally drew from a genius of kindred inspiration, and moved an immediate adjournment of the house. It afterwards appeared that Mr. Pinckney was not dead at the time that Mr. Randolph communicated the event to the house, though he died some few hours after. The fact, however, of Mr. Randolph's having announced the event, and the consequent adjournment of the house, were necessarily entered on the journal as a part of its proceedings; and the following day, Mr. Randolph, after an explanation of the circumstances, moved that the entry on the journal of the preceding day should be *expunged*, which was ordered, and accordingly done. Now, sir, if the extreme, and, I might well call it, superstitious strictness which is now inculcated in regard to the sanctity and inviolability of entries once made on our journals had prevailed then, this expunction, however simple and proper in itself, could not have been made. It will be remarked that there was no *mistake* in the entry made on the journal. The entry was not of Mr. Pinckney's death, but of *the fact that Mr. Randolph on a given day announced to the house* that Mr. Pinckney was dead, and then moved an adjournment. That fact was truly entered, precisely as it occurred. If there had been a *mistake* in the entry, the motion would have been the ordinary one to *correct*, and not the extraordinary one to *expunge* it. If moreover, the doctrine now so earnestly contended for by gentlemen were well founded, that a transaction or proceeding in either house once truly entered on its journal, the entry must stand there to all future time, and cannot be touched or changed in a letter or a comma, without a violation of the constitution, then Mr. Randolph, instead of the short and obvious remedy of an expunction of the entry of the preceding day, could have constitutionally attained his object only by a distinct entry of his explanation on the journal of the succeeding day.

But, sir, the senator from Louisiana, even conceding the power of each house over entries previously made on its journal, contends that this power is limited to the *current* congress and that the senate or house of representatives of a succeeding congress has no control whatever over the journal of the senate or house of representatives of a preceding congress. Without stopping to show that this argument, even if correct in its principle, would be wholly inapplicable to the senate, which, from the successive partial renewals of its members, (one-third of the whole being replaced by new elections every second year), is a perpetual body, I choose rather to meet the principle of the objection at once, by demonstrating its utter incompatibility with the nature of the legislative trust. It is a fundamental principle in regard to legislative bodies, that, in their ordained succession by virtue of periodical elections, one legislature has precisely as much and the same power as another; a law enacted by one legislature, or in one session of a legislature, may be repealed by another or during a subsequent session. What one resolves another may rescind; and in like manner, and on the same principle, one legislature has as much and the same power over the legislative records as another. In this respect, there is an obvious and important distinction between legislative and judicial bodies; a supposed analogy in whose functions and proceedings has, doubtless, misled the honorable senator. After the adjournment or close of the term of a court, its proceedings, its orders, its judgments, its decrees are final and irrevocable, so far as it depends on its own action. It has no power, as legislative bodies have, at a subsequent term or session, to revoke, change or set aside any thing done by it at a preceding term or session. If error has been committed, that error can be corrected after the expiration of the term only by a higher tribunal, and certain limitations of time are prescribed within which even these appeals to higher tribunals must be prosecuted. So imperative is the maxim, "*interest reipublicæ ut sit finis litium*," the public repose requires a limit to be fixed to judicial controversies. The nature of the legislative trust, however, being altogether different, and requiring that the exercise and expression of the public will should be at all times unfettered in matters of general concern, every legislature, or session of a legislature, has an unlimited control over the acts, proceedings or resolutions of a preceding legislature or session.

Gentlemen have been misled, as it seems to me, through the whole course of this discussion, by a supposed analogy between legislative and judicial proceedings, when in fact, none exist. Either from the force of professional habits, or from a hasty consideration of the subject, we have heard legislative journals and judicial records constantly confounded, when no two things can be more distinct. The security of private rights, titles to property, real and personal, repose on the judicial records of the country; and hence those records are every where guarded by proper penal enactments against unauthorised interference, or any alteration whatever. But in regard to legislative journals, while they are necessarily confided to the sound discretion of the respective bodies whose duty it is to keep them, private rights and the security of property can never depend upon them. Important rights and interests may sometimes be claimed or acquired, I know, under legislative acts, but those acts, if laws, are never spread upon the journal, or, if joint resolutions, they are enrolled and preserved, like the laws, out of, and independent of, the journal, and both are included

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Condict, Gilman, Kitchel, Logan, Mitchell, Smith of Maryland, Smith of New York, Stone, Thruston, Worthington, Wright—13. NAYS: Messrs. Adams, Baldwin, Hillhouse, Pickering, Plumer, Smith of Ohio, Tracy, White—8.

in annual and authorised publications of the acts of congress, which are received in evidence in all the courts, without further proof or authenticity

Dismissing, for the present, Mr. President, the authority of precedents, there are cases in which, upon the mere reason of the thing, I think all would agree that the right of this body to expunge an entry from its journal would be unquestionable. The constitution requires each house to keep a journal of its "*proceedings;*" that is, I presume, its proceedings as a constitutional body, acting in discharge of its appropriate constitutional functions. On this point, I beg leave to read a passage from Mr. Jefferson's manual, the authority which especially governs our proceedings in this body—a passage which seems to me to have an important bearing on the question we have been considering.

He says: "Where the constitution authorises each house to determine the rules of its *proceedings*, it must mean, in those cases, legislative, executive or judiciary, submitted to them by the constitution, or in something relating to these, and necessary towards their execution. But orders and resolutions are sometimes *entered in the journals*, having no relation to these, such as acceptances of invitations to attend orations, to take part in processions, &c. These must be understood to be *merely conventional* among those who are willing to participate in the ceremony, and are, therefore, perhaps, *improperly placed among the records of the house.*"

The result of this, as it seems to me, very clear and just distinction is, that nothing is to be regarded as properly a *proceeding* of either house, of which a *journal* is required to be *kept*, but such acts as are done in discharge of the legislative, executive or judicial functions, respectively, committed to them by the constitution. If any act be done by either house, not appertaining to the discharge of its constitutional functions, that act ought to be considered as extra-official, or, as Mr. Jefferson expresses it, as merely *conventional* among the members participating in it; consequently, not as a *proceeding* of the *body* to be entered on the journal, and, if *improperly placed* there, may be, and ought to be, taken off. With this distinction as my guide, let me suppose a case. Let us suppose that this body, imitating the irregular practice which has obtained in some of the state legislatures, should, while still organized as a senate, proceed to the nomination of a president of the United States: let us suppose that the very resolution which is now proposed to be expunged had been used, as it well might, as a preamble to such a nomination: let us suppose that the president had been in his first term, and then the preamble and nomination would have run thus: "Whereas Andrew Jackson, 'the president of the United States, has, in the late executive proceedings in relation to the public revenue, assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both,' and has thereby proved himself unworthy of the confidence of a free people: Resolved, therefore, as the opinion of the senate, that —— —— be, and is hereby, recommended to the good people of the United States as the most fit and proper person to replace the said Andrew Jackson in the office of president," &c.

Suppose, Mr. President, that such a resolution had been adopted by the senate, organized as it is at this moment, yourself in the chair, all the senators in their seats, the secretary at his table, the yeas and nays called upon it, and the resolution finally entered upon the journal: could such a resolution, notwithstanding all the senatorial forms which might have accompanied it, be considered as a *proceeding* of the *senate*, within the meaning of the constitution? Can any one doubt that there would be full authority in this body, when it should see the error and evil tendency of its act, to *expunge* such a resolution from its journal? If so, the question of *power* is settled, and the propriety only of its exercise would then depend upon a question, which I will not anticipate the discussion of, but which it may be well to suggest for the consideration of gentlemen, whether the resolution actually adopted on the occasion referred to had more relation to the functions, legislative, executive or judiciary, entrusted by the constitution to this body, than the resolution supposed would have had?

While, therefore, Mr. President, I cannot doubt that there are cases in which an entry, improperly placed upon our journals, may be removed or expunged therefrom by actual erasure or obliteration, it must yet be borne in mind that no such obliteration or erasure is contemplated or required by the resolution now under consideration. It contemplates a *moral*, not a *physical* expunction—an expunction of the *act*, without expunging the *record*. It seeks to deprive that *act* of all legal force and validity, by applying to it the appropriate and significant language of parliamentary condemnation; and, without erasing or obliterating the original entry of it on the journal, to affix to that entry a visible mark, which shall show, in all time, that the act there recorded had been revoked, annulled and repudiated by the solemn judgment of the senate and the nation; so that if, in any future search for precedent, the act be found, its condemnation be found inseparably associated with it. That this is the meaning and intention of the resolution, is shown by its own express declaration. But it is objected that, in that sense, the *term* expunged cannot be properly used. The question, then, becomes one of mere verbal criticism; and surely gentlemen will admit that it is the privilege of public bodies, as well as private individuals, to *define* the sense in which they use terms susceptible of a difference of signification. This is explicitly done by the resolution under consideration, and all objections founded on the assumption of a meaning, different from that in which the resolution interprets and defines its own language, must, of necessity, fall to the ground. But I willingly meet gentlemen on the question they have made, and maintain that the use of the word *expunge*, in the sense in which it is employed on the present occasion, is perfectly correct and consistent in itself, and justified by numerous parallel examples in the usage of language, both in judicial and parliamentary proceedings. I will call the attention of my learned colleague especially, (Mr. *Leigh*), to a striking illustration, furnished by the decisions of the highest courts in our own state, with which he is far more familiar than I can pretend to be. We all know, Mr. President, that in law a deed is an instrument signed, *sealed* and delivered; that it is an essential and indispensable element in its legal character that it should be *sealed*, and that a *seal*, in the common understanding of the word, and as defined, I believe, by lord Coke himself, is an impression made on wax or wafer; and yet the court of appeals in Virginia, as have more recently, I believe, the courts in a majority of the other states, decided, on principles of common sense and common law, independently of any statutory provision on the subject, that a scroll or *black lines* drawn in any shape to suit the fancy of the drawer, when *declared to be intended* for a *seal*, does, in fact, constitute a *seal*, and make the paper to which it is attached, to all intents and purposes, a *sealed* instrument. Now, sir, if *black lines* can thus be made to constitute a *seal*, a thing which, in its ordinary sense, is formed of wholly different materials, surely they may be made to stand for *expunging*, which, in its strictest and most literal sense, demands only the use of the same materials. In either case, the declared intention stands in place of, and is equivalent to, the thing itself.

Again, sir, the term *cancel*, if not of precisely the same, is certainly of every analogous import to the word *expunge*. Its etymological meaning, as well as that which is given to it in the legal definition, is to destroy a deed or other writing by drawing lines across it in the form of *lattice work*. It is a principal branch of the common law jurisdiction of the court of chancery in England to *cancel* letters patent, (which are records), obtained from the king upon false suggestions, or otherwise void. In both legal and popular phraseology we speak of a deed or will (all matters of record) being *cancelled* by the decree of a court. Now, sir, in these cases, I presume the lord chancellor does not actually draw lines in the form of lattice work on the letters patent which he *cancels;* nor does the court run the pen across the will or deed which is cancelled and set aside by its decision. On the contrary, it is the decision of the chancellor, or the decree of the court pronouncing the patent, will or deed, to be fraudulent and void, which, *per se, cancels* it; that is destroys its legal validity and effect, while leaving the record of its material existence unimpaired. In like manner, the word *expunge*, in the present instance, exerts its whole force on the legal *act* or precedent itself, without impairing the written entry of it upon our journal.

The illustrations furnished by familiar parliamentary proceedings are not less forcible, while they have the advantage of coming still nearer home to us. When a motion is made and carried to *strike out* a clause or section in a bill, it is not, as I understand, actually stricken out or *erased* with the pen, but the portion voted to be stricken out is indicated by suitable marks, with a corresponding notation on the margin of the bill, or on a separate paper, and is considered as *stricken out* by the mere force of the vote. What is directed to be done, is, by a parliamentary fiction, if you choose, considered as actually done. It is a singular coincidence that, in the earlier period of our parliamentary history, this very word *expunge*, which has of late furnished such a fruitful theme of commentary, was habitually used instead of the phrase to *strike out*, in reference to amendments, and in the sense in which the latter phrase has just been explained. During the two first congresses under the present constitution, I find that, in the journal of this body especially, the word *expunge* is of constant recurrence; and that, in proposing amendments to bills, the motion was to expunge, instead of *strike out;* and when carried, the clause or section which was the subject of the motion was said to be *expunged*, though, as in the case of *striking out*, there was no actual *erasure*, which it is now contended the word necessarily imports.—From its frequent recurrence in the same application, in Yates's report of the proceedings of the convention which formed the constitution, we are authorised to infer that its use in the same sense was also familiar among the learned statesmen who composed that illustrious assembly.

But there is an example of its use which I cannot forbear to mention.

In the draught of the Declaration of Independence, this significant word is used in the very sense which is assigned to it on the present occasion. After stating the fundamental principle of the right of the people to alter or abolish their institutions, a right which prudence requires should not be exercised for light and transient causes, and, accordingly, that all experience hath shown mankind more disposed to suffer, while evils are sufferable, than to abolish the forms to which they are accustomed, the following pregnant sentence occurs: "Such has been the patient endurance of these colonies, and such is now the necessity which constrains them to *expunge* their former systems of government."

Now, sir, as Mr. Jefferson was what lord Clarendon, I think, called John Hampden, a *root and branch man*, he might be considered, perhaps, both in temperament and principle, as an *ex-*

punger. It may not, therefore, be improper to add that this word stood in the Declaration of Independence, not only as it came from the pen of Mr. Jefferson, but as it was reported to congress, and sanctioned by the rest of the committee, by John Adams, Benjamin Franklin, Robert Livingston and Roger Sherman. What, sir, did these great men and illustrious patriots mean by expunging our "former systems of government?" Did they mean that the *royal charters*, in which those systems of government existed and were delineated, were to be *erased* and *obliterated* with the pen, as modern commentators would have us believe the word *expunge* can only mean? No, sir, they meant as we mean on the present occasion, that the *institution*, the *act* should be *expunged*, leaving the record of it unimpaired.

Having thus, sir, I hope, satisfactorily established the true parliamentary sense of expunging, permit me to say something of the thing itself. Attempts have been made here and elsewhere to represent it as something very odious and iniquitous. Now, sir, I take upon myself to say that, from the nature of the thing, implying necessarily a deliberate change in the public councils, it never can be resorted to in a representative government, but with the sanction and under the authority of the people, and in their hands will never be used but for the vindication of their rights and of the principles of their fundamental law. In the history of our British ancestors, sir, it comes down to us through a long line of glorious traditions. In that country it has been the instrument by which every great principle of civil and political liberty has been successfully vindicated and established. How was *expunging* used, sir, in the celebrated case of John Hampden and ship-money in 1640? We all know, sir, that in that case the king claimed an arbitrary power to levy upon the people, at his own discretion, whatever imposition *he* might deem *necessary* for the support of the government and the defence of the kingdom. This enormous usurpation was sanctioned by the judges, not merely in an extra judicial opinion irregularly obtained from them, but in their solemn judgment rendered in the exchequer chamber against John Hampden, for his refusal to pay the odious tribute exacted of him. These iniquitous proceedings were afterwards *expunged* in the high court of parliament; and by that *expunction* the great principle of free government, that the people can be taxed only with their consent given through their representatives, that principle which gave birth to our own glorious revolution, was, for the first time, successfully and irrevocably established. In the case of Skinner and the East India company, in 1669, to which I have heretofore referred, what was the great principle involved? In addition to that ultimate appellate jurisdiction in questions of law, of which the house of lords in England has been long possessed, it claimed on that occasion cognizance of original suits, in utter subversion of the trial by jury. By being forced at last, by the noble resistance of the house of commons, to *expunge* the judgment they had pronounced and their other proceeding in that memorable case, they renounced, finally, this dangerous claim of original jurisdiction, and the glorious institution of our Anglo-Saxon ancestors, the great bulwark of British and American freedom, the trial by jury, was thus triumphantly rescued and maintained.

In the case of the protest of the tory lords in 1690, to which I have also had occasion to refer, the principle involved and finally vindicated by this odious process of *expunging* was even of a deeper and more vital character. The senate will recollect that the clause in the recognition bill to which the tory lords objected, and against which they entered their protest, was one asserting the validity of the acts of the convention parliament; that parliament under whose auspices the glorious revolution of 1688 had just been achieved. The tory lords were unwilling to recognise the validity of its acts, because it was called together in the emergency of a great crisis, by the voice of the nation itself, speaking in the person of the prince of Orange, and without the formality of the king's writ, which these lords held was indispensable, under all circumstances, to constitute a lawful parliament. This objection, formerly recorded in their protest, struck at the vital principle of the revolution which had just been accomplished—the sovereign right of the people to alter or abolish their institutions without a slavish submission to pre-existing forms. The house, therefore, ordered their protest, which had been regularly entered on the journal, to be *expunged*, and, in doing so, worthily vindicated the vital principle of the right of the people to change, modify or abolish their institutions, whenever it shall seem to them good—a principle which stands in the very front of the Declaration of American Independence, and is even more essential to American than British liberty.

The case of the Middlesex election, which gave rise to another instance of expunging in 1782, is perfectly familiar to the minds of the senate. There the great right of the people freely to choose their own representatives was vindicated and established by *expunging* a resolution of the house of commons, adopted fourteen years ago, and which was justly described as "subversive of the rights of the whole body of electors in the kingdom." We have seen, then, this denounced and calumniated process of *expunging*, through two centuries of British freedom, used as the efficacious instrument by which every great constitutional right, every cardinal principle of popular liberty dear to the hearts of freemen, has been successfully vindicated and redeemed; in 1640, the right of the people to be taxed only with their own consent; in 1769, the right to jury trial; in 1690, that right which is the mother of all others, the right of the people to organize, modify or abolish their political institutions at their own pleasure; in 1682, that right which forms the practical security for the rest, the right of the people freely to choose their own representatives. In view of these facts, it is no exaggeration to say that every cardinal principle of British and American freedom has, at one period or another, been vindicated and established by this remedial but calumniated process of expunging.

I have already remarked, Mr. President, that this remedy for the abuse of delegated power can never be resorted to, in a representative government, but with the deliberate sanction, and under the formal authority, of the people. *Expunging* is, in fact, the embodied and potential voice of the people, bursting, by its legitimate power, the doors of legislative assemblies, and correcting, in the most solemn form, the deviations and assumptions of their servants. It necessarily implies a change in the public councils by the operation of the public will; for the body, which has committed an error or been guilty of a usurpation, remaining constituted as it was, will not be the willing instrument of correcting or expunging its own wrong. Accordingly, in every one of the cases which I have mentioned, the final parliamentary action has been preceded by the matured, the settled, the irreversible judgment of the public mind. In the case of Hampden and the ship-money, the proceedings which were *expunged* took place in 1637; the expunction followed three years after, in 1640. In the mean time, the public mind had been anxiously and intensely exercised on the subject; the question had been publicly and solemnly argued before all the judges in the exchequer chamber, from time to time, through a period of six months. After their decision was pronounced, the merits of that decision continued to furnish the theme of able and earnest discussion at the bar of public opinion; and, finally, the settled judgment of the nation was carried into *execution*, by the order of the high court of parliament, for expunging the *rolls* of the obnoxious proceedings. In the case of Skinner and the East India company, in like manner, the question between the two houses was pending, and earnestly debated before the nation for eighteen months; and the house of commons was but the organ of the settled public opinion of the country, in finally wresting from the lords the *expunction* of their dangerous and illegal proceedings. In the case of the protest of the tory lords, in 1690, the great principles involved had been kept constantly before the public mind, by the profound interest awakened by the revolution of 1688, and the faithful and patriotic whigs of that day but acted out a deliberate and forgone conclusion in the public judgment, by *expunging* a protest which assailed the vital principle of popular sovereignty. In the case of the Middlesex election, the question had been pending before the nation for fourteen long years; during which time it had been the subject of public discussion in every possible form—popular, parliamentary and legal, in meetings of the people, in both houses of parliament, and incidentally before the judicial tribunals of the country. Public opinion was never more maturely formed, more fully expressed, or more faithfully represented, than in the order for *expunging* the unconstitutional and obnoxious resolution in that case.

So it is, sir, on the present occasion. It is this day precisely two years since the resolution now proposed to be expunged was adopted by this body. During the whole of that period, the public attention has been constantly recalled to it by able and eloquent debates here—by the searching discussions of the press—by the calm and self-directed inquiries of the public mind. This subject has been constantly under the consideration of the people, in one form or another. Every temporary and artificial excitement has passed by, and the public judgment has been left to its own self-balanced wisdom to pronounce on the issue joined before it. Its decision, I believe, sir, has been made up, and, in great part, pronounced. Eleven of the sovereign states of this union have spoken, and spoken authoritatively, demanding the expunction of this resolution from our journals. There can be but little hazard in saying that four or five more desire and would approve it, though they have not yet spoken in an authoritative form, probably because they have supposed it to be unnecessary to do so. The judgment of our constituents, then, of the people, and of the states, has passed on this transaction—I believe irrevocably passed upon it. They consider the resolution adopted by this body on the 28th March, 1834, as irregular, as illegal, as unjust, as unconstitutional; and the more alarming, as proceeding from that branch of the federal legislature which is the most irresponsible, and as tending dangerously to increase its power, already sufficiently great. On these grounds, they demand that that resolution be expunged from our journal; and seeing not the slightest constitutional impediment to the remedial process for which they have indicated their preference, I, for one, Mr. President, will cheerfully obey their voice.

SPEECH OF MR. LEIGH, (OF VIRGINIA),
On Mr. Benton's expunging resolution.
Monday, April 4.

Mr. *Leigh* said he wished the senate, and especially his friends who concurred with him in sentiment on this very peculiar and important question, to understand that private cares, from which he could not withdraw his mind, had alone prevented him from giving that undivided attention to the subject which would have enabled him to call it up for consideration at an earlier day.

He said the resolution of the 28th March, 1834, declaring "that the president in the late executive proceedings in relation to the revenue, had assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," presented in itself, two questions for consideration: 1st. Whether the proposition there affirmed was just and true, in point of fact and in point of law? and 2d. Whether it was within the constitutional competency of the senate to entertain such a resolution, and to determine upon it? And it was upon the negation of these two points, for reasons set out in the preamble, that the gentleman from Missouri founded the proposition now made, to expunge the resolution from the journal. Now, (said Mr. *Leigh*), it is most obvious, that if the gentleman had proposed a preamble and resolution, reciting that the resolution of March, 1834, was false and unjust in fact and in law; that it was an assumption of the powers of the house of representatives; an impeachment, trial, and prejudication of the president, on a criminal charge; and resolving, therefore, that the resolution be *recinded*—this would have been as strong a censure of the resolution, as effectual an exoneration of the president from all blame, as effectual an expression of that sentence of condemnation, which, we are told, the people have pronounced on our conduct, and of the judgment imputed to them, of acquittal and approbation of the president, as this resolution to *expunge* the entry of the former resolution from the journal. No one doubts the constitutional right of the senate to *rescind* the resolution of March, 1834, if it really think the proceeding a usurpation of power, incompatible with our duties, unjust in fact and in law, and mischievous. And his mind must be strangely constituted, who does not see that the right of the senate to *expunge* the resolution from the journal is, to say the least, questionable. The very argument of the gentleman from Missouri on the point, and much more that of my colleague, evince that, even in their own sense, the right is not free of doubt; that of my colleague seemed to me to betray not a little skepticism. The known, the recorded hesitency of many senators at the last session, as to the right of expunging, who were ready and desirous to rescind, ought, I should think, to satisfy gentlemen that the right to expunge is, at best, doubtful. Why, then, is that course, as to the constitutionality of which there is no question, and which would present the whole merits of the contested resolution for consideration, relinquished, and this course, the constitutionality of which even its advocates, though they have reasoned themselves into a belief that it is right, must, I presume, admit to be somewhat questionable, preferred and resorted to?

"Expunge," says the gentleman from Missouri, "expunge is the word"—because it serves to fix a mark of disgrace on the conduct of the senate—because it condemns not only our resolution, but our motives—because it pronounces sentence on the senate (as a reward to the president) of "dishonor, denunciation, stigma, infamy;" because "it is the only word that can render adequate justice to that man who has done more for the human race than any other mortal who has ever lived in the tide of time;" and because, says my honorable colleague, (if I rightly apprehend his meaning), the senate is the most irresponsible body in this government; for I can conceive no reason for this allegation of irresponsibility against the constitution of the senate, in the present debate, but to show the wisdom and necessity of humbling it, or to rouse against it the indignation and jealousy of the public, which may stand in place of a reason for the proposed sentence of condemnation.

As to the panegyric on the president, I shall only say, for the present, that if he desires this poor triumph over his political opponents—a triumph more humiliating to himself, in truth, than to them—as Cato's image, drawn in Cæsar's train, detracted nothing from the fame of the dead patriot, but only showed the pusillanimity of the victor—"ignobly vain and impotently great;" this alone would be sufficient to evince that he deserves no such panegyric. I agree with the gentleman from Missouri, that the president's name and memory will live as long as the history of these times shall be extant: but, whether they will live for honor and gratitude, or for contempt and detestation—whether he shall be regarded, in aftertimes, as the benefactor of his country, or as the destroyer of its free institutions—whether his history shall be written by some future Plutarch, or by a Tacitus or Sallust—whether his name and deeds shall be the theme of immortal praise, or "damn'd to everlasting fame;" this let me tell the gentleman from Missouri, it is no more within his competency to decide or foresee, than it is within mine. All-trying time can alone determine. Henry VIII was lauded, during his life, for piety, generosity and justice, and James I for his wisdom; Cicero paid the forfeit of his life for his patrotism and virtue; and John De Wit was torn in pieces by the people, to whose service, to the establishment of whose civil liberty and republican institutions, he had devoted his whole life and his great abilities. But history has been impartial.

I am sorry my honorable colleague thought it proper, on this occasion, to denounce the senate as the most irresponsible body in this government. I must say, that it is of a piece with the denunciations of the senate, that have been, for some time, going round of the ministerial newspapers. It is truly astonishing to me that any statesman should entertain such an opinion. The president, wielding the whole of the vast patronage of this government, and being, in the nature of things, the head of the dominant party for the time being, is, in every practical view, far less responsible than the senate; and, if the gentleman's opinions of the constitutional powers and rights of the executive be correct, I shall show him, before I have done, that the president is absolutely irresponsible.

But, if my colleague founds this allegation of irresponsibility against the constitution of the senate on the length of its term of service, I think he must admit, upon his own principles, that the judiciary is yet more irresponsible; and therefore I apprehend, that when the senate shall be disposed of, when it shall be reduced to insignificance and utter inefficiency, the constitution of the judiciary department will be taken up for subversion under pretext of reform. Indeed, the note of war against it has already been sounded. I presume my honorable colleague will not deny that this alledged irresponsibility of the senate, if it exist, is ordained by the constitution; and then, I ask him, whether to stigmatize the senate for that cause, to point public jealousy and indignation against it, to degrade, to humble it at the foot of the presidential throne, is not an attempt, so far forth as it may work, to effect a practical change in the constitution of the senate? and this for the very reason that it has approved itself capable of fulfilling (though but for a brief space) the purposes of its institution; namely, of exercising a check on the executive power and on the national popular branch of the legislature. If the senate be not sufficiently responsible, that may be a good reason for resorting to the direct remedy for this vice in the government, and proposing an amendment of the constitution; but it is no reason for fixing a stigma upon it, or for rousing the resentment and indignation of the public against it. And it was with surprise and chagrin that I heard my colleague urge this imputed irresponsibility of the senate, in an argument to show the propriety of setting a mark of ignominy on its proceedings.

The constitutional question involved in the proposition to expunge the resolution of March, 1834, lies, in truth, in a very narrow compasss—whether such expunction be consistent with the provision of the constitution, that "each house *shall keep a journal of its proceedings*, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house, on any question, shall at the desire of one-fifth of those present be entered on the journal?" *I* stand on the supremacy of the constitution, and the plain meaning and intent of the express requisition, that the senate "shall keep a journal of its proceedings;" and my task is to expose the fallacy of those glosses, by which the advocates of the expunging process would persuade us to avoid the constitutional provision, and defeat its purpose.

My honorable colleague told us with admirable gravity that, as it has been the known, invariable and indispensable practice of every legislative body to keep a journal of its proceedings, the constitutional injunction upon each house of congress to keep a journal, taken substantively by itself, is wholly supererogatory; and that *every* legislative body has an absolute discretion over its own journal, inherent in the very nature of parliamentary institutions; an unlimited right to make what disposition in respect to them it thinks proper, and may exercise such discretion at any time; which he did not attempt to prove by argument, but only to establish by precedents. And so he concluded, very logically, that we have a right to expunge the entry of this offensive resolution from the journal of the session of 1833–'34. Never have I read or heard any thing put in the form of argument, that was so perfect a specimen of the *petitio principii*. The gentleman has begged the whole question. He has stated the propositions it was his duty to prove as *postulata;* and then concluded to the very propositions he had taken for granted. Give him his premises; grant that the constitutional requisition that we shall keep a journal is supererogatory, and so of no effect; allow him to expunge those words from the constitution; and grant, too, that every legislative body, the two houses of congress not excepted, has an absolute, unlimited discretion to do what it thinks proper with its journal, and then I myself should not controvert the conclusion, that we may expunge this entry of the resolution of March, 1834, from our journal. But he cannot show a right to expunge this entry from our journal, unless he can show a right to expunge the injunction to keep the journal from the constitution.

When gentlemen propose to expunge the resolution of March, 1834, from the journal of that session of the senate, what do they mean by expunging? The English verb *to expunge* has, (according to Dr. Johnson), only two senses; 1. to blot out, rub out; 2. to efface, annihilate. The word is used metaphorically, when, in any thing written for the purpose of being fairly copied or printed, a word or passage is struck out by running the pen through it, which prevents it from being copied or printed, and so expunges it in effect. It is in this sense that Swift uses it in the passage quoted by Johnson as an example. "Neither do they remember the many alterations, additions and *expungings*, made by great authors, in those treatises which they prepare for publication." But in this sense gentlemen do not mean to expunge our resolution from the journal; they do not profess an intention or wish so to expunge it; in truth, they cannot so expunge it, for it has been already printed and published.

Can the resolution be expunged from the journal, in the true literal acceptation of the phrase, without a violation of the constitution? The argument is, that the injunction upon each house of congress to *keep* a journal is simply a requisition to *make* one, which is to be printed and published, and is to be

made only for the purpose of being published; that, after the publication, the duty to *keep* the journal is at an end; the printed copy is the journal—the manuscript copy is *functus officio*—it is mere waste paper—and the keeping of the original manuscript is only matter of form. If this be true, what is it? I ask, in the name of common sense, what is it gentlemen are proposing to do? Not to expunge an entry from *the journal* of a former session of the senate, but only to deface a piece of waste paper they have found in the secretary's office, which they, or the secretary, or any body else that can lay his hands upon it, may destroy without fault or blame; which they might carry to the president, lay it at his feet, and invite him to trample upon this east-away memorial of the transactions of the refactory senate, or throw it into the flames, or order it to be burnt by the common hangman; which any man may, without fault or hazard, the moment after the expunging process shall be completed, tear in pieces, and give to the winds. Do gentlemen seriously desire to expunge the resolution from the journal in effigy? Can they really think that expunging in this wise, defacing a piece of waste paper, "is the only word that can render adequate justice to that man who has done more for the human race than any other mortal who has lived in the tide of time?" What an appropriate act to signalize their real estimate of the merits they so highly extol! What a glorious triumph, what a pleasing gratification, must this "avenging word expunge," thus understood and applied, afford to the president!

But what, in truth, is *the journal* of the senate? The original manuscript journal, made out from the minutes of our proceedings, according to the rules and orders of the senate, read over every morning, amended and corrected if erroneous, and finally deposited in our archives? or, the numerous printed copies, made from a copy furnished by the secretary to the public printer, distributed to members of congress, to the federal, executive and legislative offices, the state governments, foreign ministers, universities and public libraries? Gentlemen say, *the printed copy;* because, forsooth, a printed copy of the journal published by authority is received as primary evidence in the courts of justice. True, it has been held to be so admissible; but this is on a principle of general convenience; because the printed copy is very seldom erroneous, and its accuracy is hardly ever questioned or questionable; and because to require an exemplification, or an examined sworn copy, in every case in which such a document may be wanting for evidence, would lead to unnecessary delays, trouble and expense. But to bring this question to a plain decisive test: Suppose the journal of the senate should be offered as evidence of any right or claim, and it should be alleged that the printed copy published by authority varies from the original manuscript journal, and this should be made to appear by an inspection of the original: which would be respected, the printed copy or the original manuscript journal? No one who has the least notion of the law of evidence will hesitate for the answer. The original manuscript journal is the evidence which the court must respect.

The printed editions of the constitution and laws of the U. States, published by authority, are resorted to as evidence of the law in all the courts of justice of the union, state and federal. Is it to be, therefore, inferred that the original manuscript enrolments of them are no longer of any use? That the laws having been made, printed and published by authority, there is no longer any duty to keep the rolls of parchment on which they are written? That they may be effaced, mutilated or destroyed, or applied to any purpose to which they can be applicable? as the monks in the dark ages used the parchments on which the Latin classics were written, for inditing their own worthless treatises of theology.

There are two facts in the history of our legislation which furnish a most apt and perfect illustration of this part of the subject.

In Bioren's edition of the constitution and laws of the United States, published by authority, and daily resorted to for evidence of the law, in all our courts of justice, there is found a 13th amendment of the constitution, ordaining that "if any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without consent of congress, accept and retain any present, pension, office or emolument, of any kind whatsoever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them." But we all know that this is not a part of the constitution, that it has not been ratified by a sufficient number of states to make it so. And I see that in the copies of the constitution printed under the superintendence of our secretary, and furnished to the members of the senate, it has been, very properly, wholly omitted. Now suppose that any man should receive and retain a present from a foreign potentate: suppose, for example, my honorable colleague, (there is no want of courtesy in making the supposition, since no one can believe the case possible in fact) had, during his embassy to France, received a present from Louis Philippe, and retained it for his own use, and his citizenship and capacity for public office should be drawn in question, and impugned on that ground, and the fact should be proved by incontestable evidence, I ask him to tell me what ought to be thought of the judges who should take and apply to his case that 13th amendment of the constitution, printed in Bioren's edition of the laws, published by authority, and deny him all recourse to the evidence which the journals of the state legislatures would afford, that this provision is not a part of the constitution?

At the last session of congress, there was a bill that passed one house, but was not, in fact, passed by the other; yet through inadvertence, it was enrolled, signed by the president of the senate and by the speaker of the other house, and actually approved and signed by the president. The mistake (as I understand) was discovered before the acts of the session were printed and published. But suppose the discovery had not been so timely made, and the act had been printed and published by authority; this, surely, would not have been of force to make that a law which had received the assent of only one branch of the legislature. But the truth could nowise be ascertained but by an examination of the journal. It may be said, indeed, that the truth would equally appear by an inspection of the printed copy as of the manuscript original. And this would be true enough, upon the supposition that the printed journal is an exact copy of the manuscript, and capable of being verified by a comparison with it; but if we shall assert and exercise a right to expunge any entry from our manuscript journal, and thereby to prevent the insertion of it in the printed copy, we shall take away all faith, all confidence, all certainty, from the printed journal; and if we shall establish the doctrine, that the original manuscript need not be preserved for a moment after the printing and publication of it, by what possible means shall the true history of our proceedings be ascertained? If the act I have mentioned, which, though passed by only one house, was enrolled and signed by the presiding officers of both houses, and approved by the president, should be adduced, with all these evidences of authority upon it, as the foundation of any right claimed under it, and it should be objected that the act never received the assent of the senate, the answer would be plausible, if not conclusive, that, for aught that appears, the senate may have expunged the entry of its assent to the act, after it had been perfected by the approbation of the president, and that the act must be regarded as a law. The answer certainly could not be refuted by an appeal to any authentic written evidence. I beseech gentlemen to reflect upon the possible consequences of this "avenging" process of expunging—what doubts it may bring upon the evidence of our proceedings—how it may impair the authority of our acts—how it may, perchance, have the effect of giving authority to acts as laws, which, in truth, have never been passed.

The original manuscript journal is *the journal;* that journal which the constitution commands us to *keep*. But gentlemen insist that the constitutional provision, that "each house shall *keep* a journal," imports only that they shall *make* one, without requiring that they shall *preserve* it.

This Anglo-Saxon word *to keep* is generally used in a strict literal sense, and then always imports *to preserve*, and nothing else or more. It is used in divers metaphorical senses, which, from frequency, have the appearance, at first view, of being literal; but it always imports the idea of preservation or indefinite continuation, intended, requested or commanded. It is never used as synonymous with *making* any thing. Every child of three years old knows, when his mother tells him to *keep* any thing, that she means he is to take care of it. The very instances stated by the gentleman from Missouri, serve to show that to *keep* does not mean to *make*, but to *preserve* or to *continue* indefinitely. Take a few of the least obvious of them for specimens: "To keep company," does not mean to *make* the company one keeps, but to frequent one or more persons, often and habitually, not to pay a single casual visit. "To keep a mill" means not to *make* the mill, or to *make* the grain to be ground, or to grind the grain, but to take care of the mill, attend to the working of it, preserve the corn for grinding, and, after it is ground, preserve the meal for use. "To keep a store" or "to keep a bar," most certainly does not mean to *make* the goods or the liquors, nor (as he supposes) simply to sell them; it means to take care of the goods for sale, sell them, and preserve the proceeds for further use.

But let us resort to better authority than either the gentleman or I can pretend to be. The English translation of the Bible is one of the best authorities we have in the language for the meaning, propriety and purity of words and phrases; it is "the well of English undefiled." This word *keep* is very often used in holy writ, and always imports the idea of careful preservation or endless indefinite continuation. "The Lord's portion is his people; Jacob is the lot of his inheritance. He found him in a desert land, and in the waste-howling wilderness; he led him about, he instructed him, he *kept* him as the apple of his eye." "Except the Lord *keep* the city, the watchman walketh about in vain." "Holy father, *keep* through thine own name those thou hast given me, that they may be one as we are. While I was with them in the world, I *kept* them in thy name. All thou gavest me I have *kept*, and none of them is lost but the sons of perdition." "Hold fast *the form of sound words* which thou hast heard from me, in faith and love, which is in Jesus Christ. That *good thing* which was committed unto thee, *keep* by the Holy Ghost." So, in the catechism of the Protestant Episcopal church, the child is taught, as part of his duty to his neighbor, "to *keep* his hands from picking and stealing, and his tongue from evil-speaking, lying and slandering." No one would be willing that his children should be taught that they are not bound to keep themselves steadily in the practice of honesty, truth and charity throughout their lives, and under all temptations; that they may cast them off

whenever it may suit their convenience or gratify their passions. One more instance, taken from Locke: "If we would weigh and keep in our minds what we are considering, that would instruct when we should or should not branch into distinctions."

Our business is to ascertain the meaning of the *phrase* used in the constitution, which expressly requires us *to keep a journal of our proceedings*. Gentlemen say this only requires us to *make* a journal, and to print and publish it, but not, after having made and published it, to *preserve* it also. To give even a plausible color to this construction, gentlemen should at least have shown that there can be no possible use in preserving the original manuscript journal after the publication of the printed copies. But this they have not attempted, nor (apparently) even thought of. *I* say that, *to keep a journal* means to *make* one, *and* to *preserve* the very journal made; and I have shown the reason, the use, the necessity for doing so.

For the meaning of the phrase, in common speech, we may safely confide in Johnson. *A journal* is "an account *kept* of daily transactions." And the example is extracted from Hayward on Edward VI—"Edward *kept* a most judicious journal of all the principal passages of the affairs of his estate." If that precocious prince only *made*, and took no care to *preserve* his journal, how came Hayward to know that he *made* one, and a *most judicious* one?

The technical parliamentary meaning of the phrase is ascertainable without difficulty and beyond all doubt. The kindred phrases—to keep the rolls, to keep the records, keeper of the rolls, keeper of the records—all imply the duty of most careful preservation. But I find a conclusive authority in a passage of the printed speech of the gentleman from Missouri himself. The clerk of the English house of commons was the *keeper* of the journal, and he took an oath to *make* true entries, remembrances and *journals* of the things done and passed in the house of commons. As far back as 1641, the clerk was moved against for suffering his *journals*, or papers *committed to his trust*, to be taken by members of the house from the table, and it was declared that the clerk, who was the sworn officer, and entrusted with the entries and *the custody* of the records of the house, ought not to suffer any journal or record to be taken from the table, or *out of his custody;* and if he shall hereafter do it, after this warning, that at his peril he shall do it." This account is truly taken from Hatsell; and it proves, clearly, that the duty of keeping the journal, imposed on the clerk, was the duty both of *making up* the journal, faithfully and truly, and of *preserving the journal* so made, carefully in his own custody. And Hatsell elsewhere informs us that in January, 1661, upon information given to the commons, "that the clerk of the lords' house permitted the original rolls of acts of parliament to be carried to the printer, and that they were ripped in pieces, and *blotted and abused*, and in danger of being embezzled or *altered*, it was ordered that a message be sent to the lords to desire them to give orders that these rolls may be *kept* in the office, and not delivered to the printer, but that true copies, fairly written and examined and attested, may be delivered to him." I know not what has been the practice here, in this particular; but I hope our *rolls* are never sent to the printer. I presume our acts are printed from the engrossed bills, from which the enrolments have been previously made.

My honorable colleague says that the constitutional requisition *to keep a journal of our proceedings* is mere matter of inducement to the requisition immediately following in the same sentence, to *publish the same from time to time;* so that we are bound to *keep*, not only for the purpose of *publishing*, and, when we have published, our whole duty is fulfilled. Indeed! He finds two positive injunctions in the constitution respecting the same thing, and thinks he may absolve himself from the obligation of the first, by complying with the last! This is a novel specimen of that kind of ingenuity by which constitutions and laws have been made to mean any thing, every thing, nothing.

The verbal criticism into which I have entered may have appeared to some gentlemen trival, and to many superfluous; but I hope it will be remembered that I have entered into it only for the purpose of exposing the fallacy of other verbal criticisms, by which the plain meaning of the plain words of the constitution has been obfuscated, and the duty it imposes sought to be avoided. If I have ascertained the true meaning of the constitutional provision, that "each house shall keep a journal of its proceedings;" if that requires us to *make and preserve* a journal—a fair and full, not a false journal, garbled, mutilated or defaced; and if the original manuscript be *the journal*, the question, one would think, is at an end. But no; precedents have been brought to bear upon the subject—forced, indeed, into the service—the authority of which, it is supposed, will outweigh the conclusions of reason.

The precedents of expunging entries from the journals of either house of the English parliament can, by no violence, be made applicable to the purpose. The journals of the two houses of parliament are *kept* in pursuance of a simple order of each house; and in the expunging of any entry from the journal of either, the house merely disregards its own order, which, as it was ordained by its own several authority, may, by its several authority, too, be suspended, avoided, or contravened, at its discretion. The duty of the two houses of congress to keep a journal of their proceedings, is imposed by the constitution; by the sovereign authority, whose commands neither branch of the legislature, nor the whole legislature, is competent to annul or dispense with. The rules, orders and usages, by which each house of the British parliament governs itself, are not law, in the absolute sense of the word, much less constitutional law. But the rules prescribed to the two houses of congress by the constitution are part of, (what Bacon justly and happily calls), the *leges tegum*—the laws by which the legislature itself, and the laws it makes, are governed, controlled and limited. Mr. Jefferson says, in the preface to his manual, that "the law of proceedings in the senate is composed of the precepts of the constitution, the regulations of the senate, and, *where these are silent*, of the rules of parliament;" and this is as a warrant for appealing to parliamentary precedents, on a point where the constitution *is not silent!* where its precept is express, plain and positive!

It is true that, in the theory and practice of the British government, the parliament is omnipotent; the constitution itself may be changed by the act of the three estates king, lords and commons concurring. And gentlemen think they have found an act of parliament, whereby the house of commons is required to keep a journal of its proceedings; and thence they infer that the precedents of expunging entries from its journal by order of the house are an authority for us to expunge an entry from our journal. The statute they allude to is that of 6 Henry VIII, chapter 16, which recites that many members of the house of commons left their places before the end of the session, and that many great and weighty matters were usually enacted at the end of the session; and therefore enacts that "no member shall depart without license, to be entered of record in the book of the parliament, appointed, or to be appointed, for the commons' house," upon pain of forfeiting his wages, payable by his county, &c. Now, it is plain that it was only these *leaves of absence* that were required by the statute *to be recorded in the journal;* and the entries of them were in the nature of a record, (in the legal signification of the word), since they contained conclusive evidence of private right—the right, namely, of the member absent on leave, to his wages. I ask gentlemen whether do they really think that it would have been competent to the house of commons to have expunged from its journal the record of a leave of absence granted, which it was required by statute to enter, and, by so expunging, to have inflicted an *ex post facto* forfeiture of his wages on the member to whom the leave of absence had been given? These leaves of absence are the only proceedings ever required by any *statute* to be entered on the journal of the commons: and these obviously, they could not, without a plain violation of right, have expunged from the journal. That the requisition of the statute was confined to that particular proceeding—that the commons themselves did not regard it as requiring them *to keep a general journal of its proceedings*—is absolutely certain. For Hume says, it was not till the reign of James I, namely, in July, 1607, that an order was entered by the commons, *for the first time*, for the regular keeping of their journals: and we learn from Hatsell, that this order was repealed in May, 1621, by a resolution of the commons, that "all their proceedings should be entered there, and kept *as* records;" that is, (as I understand it), not that all their proceedings were matters of record, in the legal meaning of the phrase, but only that their journals should be kept in the way records are kept.

Not to pass over without notice other authorities referred to by gentlemen, to show that the duty of the two houses of the British parliament to keep journals of their proceedings rests on a like foundation with our duty to keep a journal of our proceedings, I have to tell the senate that the passage in Hatsell referred to by my honorable colleague (3 Hats. 28, 29) only states that, in March, 1606, the commons insisted that their house was a *court*, while, at the same time, they have always denied that their journals were public records. The lords denied that the commons were a court. The commons referred to the statute of 6 Henry VIII, ch. 16, requiring leaves of absence to be *entered of record* in their journal, by way of argument to support their claim; but the point was left, and yet remains, undecided. Hatsell further informs us that the great lawyers of those times entertained different opinions on the question; that Coke earnestly maintained that the commons were a court of record. But it appears from 4 Inst. 23, 24, referred to by the gentleman from Missouri, that Coke only held that the commons are a court of record in cases where they act judicially.

And now, sir, I repeat, with perfect confidence, that, as the keeping of the journals of the two houses of the British parliament is required only by the orders of each house, made by itself, and for itself, severally, no precedents of either house, dispensing with or contravening its own orders, by expunging any part of its journal, can be any authority or any apology to us, who are commanded by the constitution to keep a journal of our proceedings, for expunging any part of our journal. The same reasoning applies with equal force to avoid the authority of any precedent of expunction ordered by any colonial or state legislature in our own country, before or since the revolution, whose journals have been kept in virtue of its own orders, and not in pursuance of any constitutional provision.

But the precedents of expunging in the British parliament, that have been brought to the notice of the senate by my colleague, are so pregnant with instruction on other topics of this debate, that they cannot be passed over without particular consideration. Really, sir, one that did not *know* better, might have been apt to imagine that they were collected and referred to for the purpose of confuting some of the leading arguments

of the gentleman from Missouri, for they are more apposite to that purpose than to any other.

The first instance he mentioned was that which occurred in the memorable proceedings of parliament in the case of ship-money, during the reign of Charles I. The account he gave of the transaction was so different from my recollection of it, that it surprised me not a little. He supposed that the judgment in the exchequer against Mr. Hampden for the twenty shillings of ship-money assessed upon him, was cancelled by an order of the house of commons, (in which he was probably misled by the concise account of the proceeding given by Hume, who had no purpose, and no reason, to enter into details), and here presented it as an instance in which the process of cancellation or expunction was applied even to a judicial record. The fullest and most authoritative account of the transaction, that I know of, is to be found in the 3d volume of the state trials; and the story is this: on the 7th December, 1640, the commons voted that the levying of ship-money by the crown, the extra-judicial opinions of the judges sustaining the king's prerogative in that respect, delivered in the star chamber, and enrolled in the courts of Westminster, the warrants for levying ship-money, called ship writs, and the judgment in the exchequer against Mr. Hampden, were all contrary to the laws of the realm, the rights of property, the liberty of the subject, former resolutions of parliament, and the petition of right. And they afterwards delivered these votes to the lords at a conference of the two houses; and, at the same time, they gave in articles of impeachment against sir Robert Berkley, one of the judges of the king's bench; in which they accused him (among other things) of delivering an extra-judicial opinion in the star chamber, affirming the prerogative of the crown to levy ship-money, and concurring in the judgment of the exchequer against Mr. Hampden, (setting out the opinions and judgment at length); "all which words," (they charged), "opinions and actions, were so spoken and done by him, traitorously and wickedly, to alienate the hearts of his majesty's liege people from his majesty, and to subvert the fundamental laws and established government of his majesty's realm of England." After the conference, and while the articles of impeachment were pending against sir Robert Berkley, and while, too, it was well known that all the other judges who had concurred with him in opinion on the question of ship-money were liable to impeachment on the same grounds, the house of lords, on the 20th of January, 1640, old style, resolved *nem. con.* that the ship writs, the extra-judicial opinions of the judges therein, and the judgment against Mr. Hampden, were contrary to the laws and statutes of the realm, the rights and properties of the subject, former judgments in parliament, and the petition of right: that is, the lords, though they were to sit in judgment upon the articles of impeachment against the judges who had affirmed the prerogative of the crown to levy ship-money, condemned the act of the judges as strongly as the commons, who had impeached one judge, and might, and probably would, impeach the others. On the 20th February following, the house of lords ordered that all the rolls containing the opinions of the judges, the judgment against Mr. Hampden, and the records of the proceedings, should be brought into the house; that *vacats* thereof should be entered "by the judgment of the lords, spiritual and temporal, in the court of parliament;" and that the rolls should "be rased cross with a pen and, subscribed with the clerk of parliament's hand." And this was accordingly done.

Let me pause here, and ask my honorable colleague whether he thinks this proceeding a precedent that we may safely follow throughout? Whether, if the supreme court should give a judgment ever so plainly illegal and unconstitutional, we could in like manner vacate and cancel it?

[Mr. *Rives* explained. He was understood to say that he was not uninformed of the particulars of the proceedings in parliament on the case of ship-money, as they had been stated by Mr. L. and that he had not referred to them as a precedent for cancelling or expunging a judicial record, but simply as an instance in which cancellation had been resorted to for the purpose of vindicating and maintaining the principles of civil liberty.]

I understood my colleague to refer to these proceedings as a precedent of expunging which might serve as an authority for our expunging—then to cite his other English precedents for the like purpose—and, after stating them as precedents in point, to recommend them as good guides for us, by displaying the benefits to civil liberty which the process of expunging had been employed to accomplish. But he knows his own purpose best, and I cheerfully take his explanation.

And now, let me tell my colleague that this proceeding of the house of lords is not to be regarded as a case of cancellation by mere authority of that house. It will be observed that the *vacats* and *cancellations* were ordered "by judgment of the lords, spiritual and temporal, in the court of parliament." They professed to act judicially; and, in doing so, they assumed jurisdiction to vacate and cancel a judgment which had not been brought before them by appeal. They had claimed a like jurisdiction before; but, as they well knew, it had been disputed and denied. Therefore, they ordered a bill to be prepared, to confirm their *vacats* and *cancellations;* which bill was passed; and it is upon the strength of this act of parliament that the legality of the cancellation rests.

But the principal purpose, for which I have called the particular attention of the senate to these proceedings in the case of ship-money, is to show that the house of lords, the high court of impeachment, while an impeachment against one judge, for illegal, unconstitutional and extra-judicial opinions and judgments, was actually pending before them, and impeachments against other judges on the like grounds might probably be expected, did not regard it as at all incompatible with their judicial character to declare, by unanimous resolutions, that the acts of the judges were illegal and unconstitutional: they did not suppose that they were prejudging the person accused, much more those who might be accused: they understood that the guilt of the judges did not depend on the illegality of their opinions and judgments, but upon the wilful criminal intent imputed to them. Now, the main argument of the gentleman from Missouri, to show the incompetency of the senate to entertain the resolution of March, 1834—to show that "expunging is the word," because it alone can condemn our proceedings as having begun in wrong—is, that the resolution was an impeachment, trial and prejudication of the president on a criminal charge, though the resolution alleged no criminal intent; though no man imagined the possibility of an impeachment against the president, for the acts which the resolution declared illegal and unconstitutional; and though it is perfectly obvious that the illegality imputed to the president's conduct might be owing to error of judgment, without the least intentional wrong. And thus this precedent, which my colleague has brought with commendation to our notice, serves to confute the argument of his friend from Missouri; and it serves no other purpose.

The case of Skinner against the East India company, which was the next precedent referred to by my colleague, (as an instance of expunging even a judicial decision), has been considered important in England, only because it resulted in an informal but effectual settlement of a disputed point of the jurisdiction of the house of lords as a court of civil judicature. Skinner had gone to the East Indies upon a mercantile adventure, but he purchased an island, and endeavored to establish himself upon it as his own domain. The East India company thought this an invasion of their rights, and they took away his goods, and drove him from his island. Skinner preferred his petition to king Charles II, for redress. The king referred the case first to two members of his council, and, after a long delay, sent it to the house of lords, that it might administer justice. The lords assumed original cognizance of the case, cited the East India company to answer Skinner's petition, overruled a plea put in by the company to the jurisdiction, and finally gave judgment for Skinner for £5,000. Meanwhile, the company presented a memorial to the house of commons, complaining of the proceedings of the lords, as an unwarrantable assumption of original jurisdiction in a civil cause, which deprived the company of its right to a trial according to the due course of law. The commons remonstrated against the jurisdiction claimed by the lords, as unjust, oppressive, illegal and against common right; and the lords, on their part, remonstrated against the conduct of the commons, in receiving a libellous complaint against them and their proceeding. A long and angry controversy ensued between the two houses. The commons resolutely forbore to act on the bills of supply to the government. The king, hoping to put an end to the quarrel, in December, 1669, prorogued the parliament to the February following. But, when parliament met again, the commons renewed the quarrel with increased warmth. The king, finding that he was to get no supply (which was all he cared about) till the controversy between the two houses should be terminated, made a speech to them, in which he proposed and recommended that each should expunge from its journals every entry relating to the subject, so that no memorial should be preserved of the proceedings of the lords against the East India company, or of the controversy between the two houses that grew out of it. Both houses saw the wisdom and even the necessity of compliance. The lords expunged all, without exception; the commons entered the king's speech on their journal, and expunged all the rest. The house of lords have never since attempted to exercise original jurisdiction in any civil cause. Now, in fact, here was an expunging of entries from the journals by the concurrent act of the three estates, kings, lords and commons, though it was not effected by a formal act of parliament; and whoever will attentively examine the history of the transaction, (as it is reported in the sixth volume of the state trials), will see that there was no other way in which the object could have been accomplished; for had a bill been introduced for the purpose, that would have engendered a dispute concerning other kindred points of jurisdiction claimed by the lords, and the quarrel between the two houses would have been renewed.

But this case serves to show how and why the process of expunction was originally introduced, and its meaning, purpose and effect. It began at that time when the two houses of parliament were not in the habit of printing and publishing their journals promptly after each session, and when, of course, the expunging of an entry from the journal had the effect of preventing the entry from appearing on the journal at all when it should be printed and published. They expunged in the sense in which Swift speaks of the "expungings made by great authors in those treatises they prepare for publication." They did the very reverse of that which it is proposed we shall now do. It will be found by an examination of the printed journals of parliament for the time (they are in our library) that no trace of the proceedings in or concerning this case of Skinner against

the East India company is to be found in them. The same remarks are probably applicable to the expunging of the protest of the tory lords in 1690, which was the next precedent referred to by my colleague.

In the first parliament regularly called, after the expulsion of James II, and the accession of William and Mary to the throne, a bill was introduced in the house of lords for recognising the title of the king and queen to the crown, in which a clause was inserted, declaring that the acts passed by the convention parliament "were, and are, laws." The tory lords, in the progress of the bill, succeeded, by a small majority, in having this clause struck out; and the whig lords protested. In the sequel, the clause was reinstated in the bill by a majority of six votes; and the tory lords, in their turn, entered a protest, the terms of which indicated disrespect towards the majority, but the principal objection to it was, that it, in effect, denied the legal authority of the convention parliament, and so impugned the fundamental principles of the settlement that had been so happily accomplished by the revolution. The whig lords *immediately* ordered this protest to be expunged from the journal. I pray the attentive consideration of the senate to the circumstances of this transaction. The tory lords (as my colleague truly observed) had an undoubted acknowledged right to enter a protest upon the journal, expressing their dissent from the opinion of the majority, and their reasons for it: the majority, notwithstanding, expunged the protest; and this proceeding is quoted with approbation, and held up to us as an example and authority. The president of the U. States, who has no manner of right to judge of our rights and privileges, of which the constitution makes us the sole judges—who has no color of right to protest against any of our proceedings, sent us a protest against our resolution of the 28th March, 1834, and the loudest complaints are made against us for refusing to consent to this irregular, unauthorised interference with our proceedings, and for declining to receive the protest, and enter it on our journal! It is said the president's protest was respectful and temperate. That is matter of taste; but, granting that that is the true character of the protest, the senate would still, in my opinion, have been wanting in a just sense of self-respect, careless of its own privileges, wholly unmindful of the place which the constitution has assigned to it in the system, if it had received such a paper, and entered it on its journal, and thereby set a precedent of acquiescence in the pretension of the executive to remonstrate against its proceedings.

As to the famous case of the Middlesex election, it is true that the resolutions of the house of commons, in 1769, declaring that Mr. Wilkes, having been expelled from the house, was incapable of being elected to the same parliament, and that Mr. Luttrel, who had received a comparatively small number of votes, was duly elected, was expunged from the journal in 1782. Mr. Fox, who had earnestly supported the resolutions of 1769, made indeed a faint opposition to the expunging of them—so faint, that he may be regarded as having acquiesced in it, and in effect giving his consent to it, especially, as he held a position in the house which would have enabled him to prevent the expunging, if he had had any care to do so. The precedent would have been in point to the present purpose of gentlemen, but for this little circumstance—that the house of commons is not, as the senate of the United States is, bound by a constitutional provision, to keep a journal of its proceedings.

There is another case of expunging by the house of commons, worthy of particular attention, since we happen to have lord Chatham's opinion upon it. In 1770, the commons, considering the publication of accounts of their proceedings and debates a violation of their privileges, issued warrants for the apprehension of the offending printers. Some submitted, some evaded the process. One was arrested and carried before alderman Wilkes, who discharged the printer, and bound him to prosecute the person who apprehended him for an assault and false imprisonment. Another printer, being arrested by a messenger of the house of commons, sent for a constable, and delivered the messenger into his custody; and both parties were carried before the lord mayor of London; the printer, I suppose, in the custody of the messenger, and the messenger in the custody of the constable. The lord mayor held the arrest of the printer, under the warrant of the house, illegal, and discharged him, and committed the messenger for illegal arrest and imprisonment, till he entered into a recognizance to appear and answer an indictment for the offence. This recognizance was entered in the book kept for the purpose; and as it was, in case of forfeiture, to be the foundation of a judicial proceeding, it was of the nature of a judicial record. The commons, angry at this resistance of its authority, brought the lord mayor to their bar, and thought proper to wreak their vengeance upon the recognizance he had exacted of their messenger, by expunging it from the book in which it was written. Now, it happened that, not long after the proceedings against the printers, a motion was made in the house of lords to expunge from its journal a resolution it had adopted, disclaiming all right to express any opinion on the proceedings of the commons in the case of the Middlesex election; and this proposition to expunge the resolution of the lords from the journal was earnestly supported by lord Chatham in debate. But in a speech he made about the same time, on a motion for an address to the king to dissolve the parliament, speaking of the misdeeds of the house of commons, he referred to their expunging of the recognizance, (which he justly regarded as a judicial record), and said that it was the act of a *mob*, not of a parliament. In his opinion, then, the lords might expunge a resolution previously adopted, from their own journal, which was kept only under authority of their own order; but when the commons expunged a judicial record, which the *law* requires those entrusted with its custody to *keep*, he denounced it as the act of a mob. In what words would that great and virtuous statesman have described such an act as that now proposed to the senate—the defacement of an entry from the journal of the proceedings of a legislative body, which the constitution of the country, superior to the law, expressly enjoined it to keep!

With respect to the case of expunction by the legislature of Massachusetts, I have only to say that the journals of that body are only required to be kept by its own rules or usages, not by any constitutional provision. I am surprised that the proceeding in the senate of Tennessee should have been referred to at all. That body, sitting as a court of impeachment, we are told, entered judgment of acquittal one day, and the next day, the court, being not yet dissolved, expunged the entry. The case is precisely the same, as if a jury bringing in a verdict are sent back to reconsider it, and upon reconsideration return a contrary verdict. Do not gentlemen know that the judgments of every court of justice are in its own breast during the whole term at which they are pronounced, and that that is the reason why the court is competent to alter, set aside, or cancel them at any time during the same term?

My colleague tells us that the house of burgesses of Virginia expunged the last, and far the most important, of Mr. Henry's celebrated resolutions in 1765, and that the worthiest of our patriots concurred in the act. If that resolution was expunged, the precedent would be nothing to the purpose; because we know there was no constitutional provision requiring the colonial legislature to keep journals of its proceedings. But though the fact is stated on the highest authority, I acknowledge, yet I cannot help thinking there may be some mistake about it. There is evidence under Mr. Henry's own hand, that he was not aware that the resolution was expunged; and if it was expunged, all accounts agree that it was done in his absence. It is upon the strength of that very resolution that we have claimed for him the honor of having been the first to set the ball of the revolution in motion. If the resolution was expunged, the house of burgesses threw away the palm of glory which Mr. Henry might have won, and we of Virginia must concede it to James Otis and Massachusetts. It has hitherto been a subject of honorable contention between us.

My colleague, with a view to recommend the expunging process to especial favor, took the pains to explain to us, that, in every instance which has been resorted to in the English parliament, the purpose and the effect have been to vindicate some important principle of civil liberty. The warmth of his zeal prevented him from perceiving the contrast which the story of the proceeding we are engaged in will present to the world and to posterity. It is as striking as it is melancholy.

Thus, in the famous case of ship-money, the house of lords vacated and cancelled the opinions of the judges, and the judgment against Mr. Hampden, in order to condemn, and abrogate forever, a dangerous prerogative, claimed by the crown upon the strength of old precedents, to raise revenue for itself, without consent or authority of parliament; but the purpose of the proposition to expunge our resolution of March, 1834, from our journal, is, and its effect will be, to affirm and establish the executive perogative claimed by the president, to exercise a complete control over the custody of the public treasure, and to give the use and profit of it, in the interval between the collection and disbursement, to persons of his own selection. We have seen, too, that the house of lords, in the course of the ship-money transaction, passed a resolution, condemning in the strongest terms, the conduct of impeachable officers as illegal and unconstitutional—though an impeachment against one of them was actually pending, and impeachments against others, on the same grounds, were anticipated, which impeachments that house was the tribunal to try and determine—without incurring the blame of prejudging the cause of him who was accused, and of all that might be accused, of participation in the act declared illegal. But it is one of the main objects intended to be accomplished by expunging our resolution, to establish the doctrine, that the judicial powers vested in the senate by the constitution, instead of being an addition to, operate as a limitation upon, its legislative powers; and that the senate cannot express an opinion against the legality of the measures of the president, or, by consequence, of any other impeachable officer, without exposing itself to the reproach of impeaching, trying and condemning, without hearing, the officer who may, by possibility, be impeached.

The expunging of the proceedings and judgment of the house of lords, in the case of Skinner against the East India company my colleague says, and says justly, was intended (and, in fact, accomplished the object) to vindicate the common right of the subject to trial by jury in due course of law. And he counsels us to expunge our resolution, for the purpose of acknowledging and confirming the power of the president, without judge or jury, to take away the public deposites from the bank of the United States, which the bank claimed by virtue of a contract, upon a charge alledged by himself of criminal conduct in the bank, which the president himself declared afforded just ground for a judicial proceeding against it, to revoke its charter.

The expunging of the protest of the tory lords in 1690 was designed to vindicate the principles of the glorious revolution of 1688, which finally established and confirmed to the people of England the blessings of civil liberty—the security of a government of laws, as distinguished from a government of will; and pursuing that end, the whig lords expunged a protest which impugned the principles of the revolution, though the protesters had an undoubted right to enter their protest. The senate of the United States is now to be condemned for refusing to receive, and insert in its journal, a protest of the president against its proceedings, who had no color of right to make any such protest; and the justice of the president's protest is to be acknowledged, by expunging from our journal the entry of the proceeding against which he protested.

The house of commons expunged its resolution in the case of the Middlesex election, and thereby acknowledged the eligibility of all persons, not under some known legal incapacity, to a place in that house, and (what was infinately more important) the right of the people to be represented by the man of their own choice. Our expungers have never thought of expunging the proceedings on the subject of the sedition law—a statute which invaded the constitutional rights of the people, which, in the almost unanimous opinion of the nation, uniformly maintained for thirty-five years, was plainly unconstitutional, and which, therefore, had its beginning in wrong. They only have recourse to the process of expunction, in order to vindicate and confirm executive power.

I cannot, for my part, look at this contrast, without mortification and alarm. The parliament of England, professing monarchical principles, have exercised the power of expunging obnoxious proceedings, in order to establish principles in their nature truly republican. American senators, professing (sincerely, I do not doubt), democratic republican principles, flushed with recent victory over their opponents, are endeavoring to apply this same process of expunction, in order to establish a power in the executive, which appears to my anxious mind monarchical prerogative. I do not impute the design to them, I do not, I cannot, suspect them of any such purpose. I am speaking only of the tendency and effect of the principles they are maintaining.

[Here Mr. *Leigh* gave way for a motion to adjourn.]

Tuesday April 5.

Mr. *Leigh* resumed the debate. He said the principal purpose of the remarks he had addressed to the senate yesterday, was to show that the original manuscript journal of our proceedings was *the journal* which the constitution required us to keep; that the requisition to *keep* the journal imposed on us the duty to *preserve* it—to preserve it permanently and carefully, without defacement or mutilation; that no authority for expunging any entry from our journal could be found in English parliamentary precedents, or in those of any legislative body in America, whose duty to keep a journal was not imposed by a constitutional provision; and that, consequently, the senate could not expunge the resolution of March, 1834, from the journal, in the literal sense of expunging, without a violation of the constitution. He had taken the more pains to establish this conclusion on grounds of irrefragable reason, because in his opinion, it involved the whole question. It seemed to him, indeed, that the gentleman from Missouri and his colleague, both, thought so, too; for they had exerted their faculties to the utmost to prove the right of the senate to expunge, literally and absolutely, as an essential ground of the argument for expunging, in the typical manner proposed. And he supposed it would be very hard for any man who sincerely thought that the constitution forbade us to expunge literally, to reconcile it to reason or conscience to expunge typically.

For, (said Mr. *Leigh*), granting it to be true that those who have a right to expunge and annihilate any written instrument or evidence may do any thing short of actual expunction and destruction, which shall indicate the intent to expunge and destroy; those who have no right to expunge and annihilate the evidence of any particular transaction have no right to declare their will to expunge and destroy it, in any form of words or action whatever, and to substitute such manifestation of their will in place of the act to which they are incompetent. To illustrate this: A testator has a right to cancel or destroy his own *will;* and if he run a single stroke of his pen across it, with intent to cancel it, or write "cancelled" in the margin, without actually cancelling it—or, if he tear it, with intent to destroy, without actually destroying it, no doubt such an indication of his purpose is proper enough, and may stand for the act he might rightfully perform. But no one can cancel or destroy his own *deed;* and, therefore, if he happen to get into his possession, he has no right to avoid the guilt, and yet accomplish the purpose of destroying it, by any manner of defacement his ingenuity can devise. In sound morality, men may make an indication of their will stand for their act, if they have a right to do the act; but if the act be criminal or vicious, even the will to do it, without a single step towards the accomplishment of it, is not blameless. In the present case, sir, so entirely does the right to expunge the resolution in question from the journal, in the emblematical manner proposed, depend on the right to expunge it actually and literally, that if we shall adopt this notable device for expunging it, this may and will be regarded as a precedent, in all future times, to justify an actual obliteration, mutilation, erasure, or other destruction of the journal, as to any obnoxious proceeding.

There is another objection to this scheme of typical expunction, which weighs much on my mind. I hold it the duty of every man to speak the simple truth on every occasion, without mental reservation or equivocation; and especially is this the duty of men acting or speaking in public stations, under the sanction of an official oath. Now, what is it that is proposed to us? Why, that we shall pass a resolution to expunge an entry from our original manuscript journal, by drawing black lines around it, and writing "expunged by order of the senate" across it; and in order to obviate a constitutional objection to any defacement of our journal, this is explained in argument to be no expunging at all, because it will leave the whole entry still perfectly legible; and more, that it will not be an expunction of *the journal*, for the original manuscript is not the journal. I mean no offence to any body, but I must say that, to my heart and understanding, this is exactly what is called an equivocation. I have taken into my head, during the present session of congress, to read Paschal's Provincial letters, which I had not read before for thirty years; and whoever will take the trouble to look at the ninth letter, will find this doctrine of equivocations, as laid down by Filiutius and Sanchez, and the convenient uses to which it is applicable, fully explained.

But, sir, I presume it will not be affirmed by any gentleman that it is within the competency of the senate, at this session, to exhaust the whole power of the senate in all times to come, over this or any other subject; and yet the act which we are urged to commit, will, in reality, have the effect of preventing the counter-action of any future senate. Supposing we were literally to expunge the resolution of March, 1834, from the journal—to blot it out: how shall the senate at a future session, entertaining a different opinion of the merits of the resolution, expunge the expunction? How shall it blot out the blots? Shall it erase them, and reinstate the words of the resolution? Then another obliteration at a subsequent session would effectually prevent the possibility of ever afterwards replacing them on the journal, let the paper on which it is written be never so substantial. Suppose the typical process of expunging the entry shall be adopted and carried into execution: a succeeding senate, entertaining different opinions, and following our example as to the manner of manifesting and enforcing them must draw black lines around our black lines, and write a sentence of expunction across our sentence of expunction; and if the party character of the senate shall afterwards again undergo a change, before the present party heats shall subside, the process may be reiterated. This would be farcical, to be sure, but public bodies, acting under the influence of strong party feelings, are often unmindful of their true dignity, and sometimes sacrificing it to the indulgence of their resentments, incur the contempt and scorn they would bring upon others. I wish from my heart that the proceeding was only ludicrous. I hope and trust, most sincerely, that the example of this "avenging" process may never be followed; but I am most serious when I tell gentlemen that they are proposing to do what they have not the moral or legal power to do; they are vainly attempting to anticipate and prevent the judgment and action of their successors in all times to come, and to pass and execute final and irrevocable sentence of condemnation on the senate of 1833-'4.

I cannot be so wanting in respect to the gentlemen who have so gravely and so earnestly recommended this typical expunging (which they tell us, is really no expunction) of our resolution of March, 1834, from the original manuscript journal, (which, however, they say is not *the journal* of the senate,) as to suppose that they have taken so much pains to accomplish an act which, in their own opinion, will be in itself absolutely vain and nugatory. And, therefore, I take it for granted that they intend, in the proceeding they propose—while they leave the verbal record of our resolution on the journal substantially unimpaired—to annihilate its efficiency; and this in truth, upon the supposition that it is within our competency so to expunge the resolution, must be the legal effect of such an expunction. Now let it be remembered that the duty enjoined upon the senate by the constitution, to keep a journal of its proceedings, is equally applicable to all its proceedings, legislative, executive and judicial; that if we are not bound to *make* and *preserve* a journal, fair and unimpaired, of our legislative transactions, so neither are we bound to keep the journals of our executive or judicial proceedings; that we have the same duty to perform, and have as large discretionary powers, in respect of one as of the others; that, if we may expunge any one entry from the legislative journal, and thereby invalidate the act it records, we may expunge and invalidate any other; that, exactly in the same manner and with the same effect that we may expunge and invalidate an entry on our legislative journal, we have a right to expunge and annihilate the legal efficacy of any entry on our executive or judicial journal. And then I ask gentlemen to give their serious and calm consideration to the consequences.

If the senate may expunge, and by expunging (in any form or manner) invalidate the resolution in question, there is no good reason why it may not, in like manner, expunge and invalidate any entry of any other of its proceedings in its legislative capacity. Suppose, among the numerous private acts passed at the session of 1833-'4, there was one granting land, money, or any other property to an individual, which, in the opinion of the senate at the present session, was corruptedly passed by the majority of the senate at that session, (as a re-

ward, for example, for partisan services,) and so had its beginning in wrong; or, suppose therewas any act passed at that session, which the senate at this time shall deem unconstitutional, and for that reason impugn as having commenced in wrong, as gentlemen would have us impugn the resolution of March, 1834, it is just as much within the competency of the senate now to order all its proceedings manifesting its assent to such acts to be expunged from the journal, as it is to expunge this resolution. He that shall hold that such acts would cease to be valid as laws, in consequence of the expunging from the journal of the evidence of their having been passed by the senate, must admit the competency of the senate alone, by the application of this expunging process, to invalidate, in effect, an act of the whole legislature; and he that shall hold the laws valid, notwithstanding the expunging of the proceedings of the senate upon them, must admit that the act of expunging is a mere nullity; in other words, that the senate has no right to expunge. Then, with respect to our executive journal, (which it is not our course to publish so promptly as our legislative journal,) what would be the condition of a person nominated by the president to an office, and the nomination confirmed by the senate, but the act of confirmation afterwards expunged by order of the senate? Would he be an officer or not? If not, no man can feel perfectly safe in exercising the functions of any office depending on the appointment of the president, by and with the consent and advice of the senate; or, the senate may, without the concurrence of the president, remove the officer, expunge him from office. If, on the contrary, in spite of our expunging the confirmation of his appointment from our journal, he would still be entitled to his office, then our act of expunging the entry of confirmation is unauthorised and void. But the consequences are yet more glaring and enormous when we come to consider the possible application of this expunging process to the journal of our judicial proceedings. A man is impeached before the senate of high crimes and misdemeanors, tried and convicted, and sentence of incapacitation for public office solemnly pronounced upon him; the court is dissolved; the senate, afterwards, becoming convinced of the injustice of the judgment and sentence, order the entry of them to be expunged from the journal. If the senate is really competent to invalidate the judgment by expunging it, his sentence is in effect reversed, and his incapacity removed; and, at any rate, if he shall be elected a member of the senate while the expunging senate is in power, he will be permitted to take his seat there. But suppose the accused acquited, and the senate, at a future day, honestly imputing the acquittal to partiality or corruption in the senate that tried his cause, should order the judgment of acquital to be expunged from the journal, and then a new prosecution should be commenced against him on the same charges, how could he have the benefit of that inestimable principle of justice so dear to the people of this land, that no man shall be twice brought in jeopardy for the same offence? how could he plead his former acquittal, and show the record of the fact? If the judgment should have been literally expunged from the journal, it would be impossible for him to make good his defence. And if it should have been typically expunged, and the record should be produced, with black lines drawn around it ("black"), as the gentleman from Missouri says, "black as the injustice"), and with the "avenging" sentence of expunction written across it, his doom, I apprehend, would be equally certain if it should be his hard fate to be arraigned before the same senate that had thus expunged the former judgment of acquittal. Again I implore gentlemen to forbear. I pray God to put it in their hearts to pause, to reflect upon the consequences involved in the principle they are maintaining, and to spare our country the establishment of a precedent that may be alleged hereafter as an example and authority for wrongs like these.

But to all appeals, and all arguments, of this kind, my colleague has one general, compendious, all-sufficing answer: that it is not fair to argue, from the possible abuses of a power, against the existence of the power. Did he not perceive that that remark, as he applies it, would equally serve as an answer to all objections to an assumption of any power whatever, which should be dangerous in itself, as well as unconstitutional? Or, does he think that an unconstitutional power is less liable to abuse than a constitutional one? Sir, the argument I am urging against the proposition he has maintained is, that it involves other principles plainly unconstitutional; and I show the application of which it is susceptible, to other uses of the same kind, in order to expose the inherent vice of the proposition itself. I have not been arguing from the abuses of this expunging process, but from the uses which the principle, if constitutional and just, would as well justify as the use to which it is now proposed to apply it. And no one, I should think, ought to be more sensible than my honorable colleague, of the extent to which the authority of precedents may be strained; for he has given us a notable example of it himself, in the application he has made to his present purpose, of the two instances of expunging that have been found in the proceedings of the senate.

As to one of them, I have only to state it. Mr. Randolph, having received information of the death of Mr. Pinckney, announced it as a fact to the senate; and the senate, to testify its respect for the memory of a man who had once been so distinguished a member of its own body, immediately adjourned—expressing of course, the reason of the adjournment, which was entered by the secretary on his minutes. It turned out, however, that Mr. Pinckney was not yet dead; and, the next morning, when the journal was read, according to rule, "to the end that any mistake might be corrected that had been made in the entries," the senate ordered the entry stating the fact of Mr. Pinckney's death to be expunged from the journal. This was not, indeed, as my colleague says, a correction of a mistake of the secretary in making the entry; but it was a correction of a mistake, in point of fact, into which Mr. Randolph had fallen, and had misled the senate. Whether the correction was strictly within the rule of the senate as to correcting mistaken entries in its journal no one thought of inquiring at the time, and I shall not now stop to inquire: the correction was intended to be made in conformity with that rule of the senate, for *making up the journal*, which the constitution requires the senate to *keep*.

The other instance of expunging by the senate is hardly more important in itself; but it calls for a more particular consideration. On the 21st April, 1806, being the very last day of the session, it appears, by the rough minutes taken at the table, that Mr. Adams presented two petitions of S. G. Ogden and W. Smith, and the first entry on the minutes in respect to them is, "read, and to lie;" then, "motions *be rejected*;" then the words *be rejected* struck out with a pen, and, instead of them, "leave to withdraw" inserted. After this, there is an entry more in detail—that "Mr. Adams communicated two memorials from S G. Ogden and W. S. Smith, stating that they are under a criminal prosecution for certain proceedings, into which they were led by the circumstance that their purpose was fully known to and approved by the executive government of the United States," (the prosecution, we know, was for the part the memorialists had taken in Miua's expedition), complaining of such maltreatment by the district judge of the United States at New York that the grand jury had made a presentment against the judge for it, and praying relief from congress; and then the entry is, "on motion, ordered, that the memorialists have leave to withdraw their memorials respectively." Finally, the last minute of the proceedings of this last day of the session was, "on motion that every thing in the *journal* relative to the memorials of S. G. Ogden and W. S. Smith be expunged therefrom, it passed in the affirmative, by yeas and nays, 13 to 8.* The adjourning order follows immediately. It has been said that all the republicans voted for and the federalists against the motion—how that is, I do not know. Now, the first remark that occurs is, that this is manifestly an expunction from the *minutes*, not from the *journal;* an order that, in *making up the journal*, those entries on the *minutes* should not be inserted. The next consideration is, that the reasons of the expunging nowise appear; they are not stated in the proceeding itself, and I understand, no notice of the transaction is to be found in the newspapers of the day. For aught that appears, the previous entries might have been expunged, because they did not truly state the fact when they represented that the memorials had been received, and leave given to withdraw them; and I have no doubt those entries did not truly state the real opinion of the senate on the subject at the time the memorials were first presented. We all know how such things are done, especially during the hurry of a last day's session. The gentleman from Missouri thinks that the reason of expunging the entries concerning those memorials was, that they contained disrespectful imputations upon the chief magistrate and a judicial officer; in which his conjecture may be right, and I think it probable enough that it is. But, thirdly, the least attention to the circumstances of the transaction will suffice to convince every mind that hardly any thought was bestowed upon the expunging, as very little could have been given to the proceeding ordered to be expunged; that both probably passed *sub silentio;* that the constitutional question as to the right of the senate to expunge any proceeding from its journal was not suggested, much more discussed. And is such a precedent of expunging as this—an expunction from the *minutes* of the secretary, not from the *journal made up by the senate to be kept*, founded on what reasons, no one knows, and none ever inquired, done in haste, and amidst the confusion of the last moments of an expiring session—ordered without discussion, and probably without a question made as to the constitutional propriety of the proceeding, so passed as to attract no attention, to elicit no investigation—is such a precedent to be gravely, much more triumphantly, quoted as an authority in this debate?

But suppose that vote of April, 1806, was (what it certainly was not) a deliberate expression of the opinion of the senate on the very point, that the senate may constitutionally exercise a discretion to expunge from its journal, at any time, the entry of any proceeding which it disapproves as irregular and unjust: it would only add another instance to the thousands with which all history abounds, of the truth of the common observation, that it is during the administration of the most popular chief magistrates that precedents dangerous to liberty are most to be apprehended, most to be deprecated, and most carefully to be avoided; not on account of any design on their part, or of vicious design in any quarter, but simply because confidence in them not only serves to give authority to their example, but disarms the public mind of that wholesome jealousy, that constant vigilance, which (as Mr. Jefferson has himself justly said) is the eternal price that men must pay for liberty. To do

*Mr. *Leigh* forgot to ask what those gentlemen would think of the authority of this precedent, who maintained the opinion that the senate had no constitutional right to refuse to receive the memorials of the abolitionists, or any other petition not disrespectfully to the senate or some member of it, or any petition no matter what its character.

Mr. Jefferson justice, it must be remarked that there is not the least reason to believe that he approved, or even knew of that expunging order of the senate in April, 1806, much more counselled or wished it. Whether the present chief magistrate has taken any pains, or expressed any wish for the accomplishment of the expunction now proposed, I do not know; though I could give a shrewd guess.

There was another precedent during Mr. Jefferson's administration, which I shall mention, to illustrate the wonderful power and influence of precedents in human affairs. In December, 1787, Mr. Jefferson wrote a letter to Mr. Madison on the subject of the present constitution of the United States, then recently framed, but not yet adopted, in which one of his chief objections to that instrument was the omission of a bill of rights, providing (among other things) for "jury trial" and "the eternal and unremitting force of the *habeas corpus* laws;" and he repeated the objection in letters to another correspondent afterwards. He was not then content with the provision of the constitution (art. 1. § 9), that "the privilege of the writ of *habeas corpus* shall not be suspended," (that is, even by congress), "unless when, in cases of rebellion or invasion, the public safety may require it"—he thought there ought to be "no suspensions of the *habeas corpus;*" for my part, I am content with the security provided by the constitution, if it shall be fairly observed. Now, in the winter of 1806-'7, general Wilkinson made a military arrest of three persons in New Orleans—Swartout, Bolman and Alexander, and sent them to Washington; and it was not till they got here that they were discharged on a *habeas corpus by the supreme court.* They belonged not to the army; they were nowise amenable to martial law. As to the two first, there was reason to believe that they were implicated with colonel Burr in his projects, whatever they were; for, to this day, the public is not informed what they were. But against Alexander no evidence of guilt, no ground of suspicion, that I remember, ever appeared; no colorable pretext was stated to the public for *his* arrest. Did Mr. Jefferson censure these illegal arrests, made by an officer subject to his absolute control? did he disapprove this violation of the personal security of the citizen, by military power? did he call the general to any account? did he order any inquiry? I only know that the president of the United States gave the general his countenance, approbation and support; and the confidence of the public in the president's prudence and justice, and their detestation of the guilty schemes imputed to colonel Burr, had the effect of exempting general Wilkinson from blame. And in September, 1810, Mr. Jefferson wrote a letter to a Mr. Colvin, in which he deliberately *justified* general Wilkinson's conduct upon the ground of the necessity of the case, which, as he states it, was the oddest case of necessity that ever was imagined: the letter has been published by his grandson. The fact of his entertaining such an opinion, was generally known, or at least reported at the time. The necessity of the case might (for aught that I know) have afforded an excuse for general Wilkinson's conduct—might have entitled him to pardon and indemnity; but it could not have afforded him any justification; and I say before high heaven, that if all the great and good men of the revolution had signed that letter with Mr. Jefferson, I would still lift up my voice to protest against the dangerous unconstitutional doctrines it inculcates. There, then, was a precedent of military arrest, set even during Mr. Jefferson's administration, without being seriously questioned, and without exciting any jealousy or alarm in the public mind. And some few years afterwards, general Jackson, charged with the defence of New Orleans against an invading army, improved upon the precedent; abrogated the privilege of the writ of *habeas corpus* for a time, proclaimed martial law, and turned the state legislature out of doors. His conduct, too, may have been prudent and founded in laudable motives; he, too, might have been entitled to complete indemnity; but he violated the constitution of his country—he suspended, for the time and place, the sacred principles of civil liberty. The glory of the victory of New Orleans justified all; and great glory there was, and great good accomplished for his country, I willingly acknowledge—though (by the way) in my opinion, his fame as a general rests more on his spirited and judicious attack upon the enemy on the 23d December, than on his crowning victory of the 8th January. Allow him the fullest meed of praise: still, the sense of that brilliant and most important public service, the gratitude it deserved, the admiration it excited, the glory it achieved for the general and the nation, ought not to have stifled our love and care for the constitution. He was entitled to honor and gratitude for the good he did, and to indemnity for any wrong he committed through necessity, and with virtuous motives; and that was the most. *He* knows nothing of the principles of the constitution, and nothing of the influence of dangerous precedents, who is willing that that conduct of general Jackson should be represented as justifiable. During the second administration of lord Chatham, a proclamation was issued, under an apprehension of scarcity, prohibiting the exportation of corn, and thus suspending the statute law of the land; and he and lord Camden, too, insisted that the proclamation was strictly justifiable. They supposed a necessity, (of which the king was to judge), and founded on that necessity, attributed to the crown a legal power to suspend the operation of a statute not given by the statute itself; and they even opposed an indemnifying bill. They incurred the reproaches of their warmest friends and admirers, for holding such language, the only language, perhaps, that ever fell from the lips of either which offended against the general principles of civil liberty. Junius told lord Camden that an Englishman "should not suffer dangerous precedents to be established because the circumstances are favorable or palliating;" that "instead of asserting that the proclamation was legal, he should have said—I know the proclamation was illegal; but I advised it because it was indispensably necessary to save the kingdom from famine; and I *submit* myself to the *justice and mercy* of my country." And, sir, that is the true doctrine.

But general Jackson succeeded in establishing a second precedent in our history, of an unquestioned violation of the privilege of the writ of *habeas corpus.* And afterwards, again, in time of profound peace, at Pensacola, he established a third precedent of the same kind; and this again passed unquestioned; indeed, it was defended and justified, on the ground that the constitutional privilege of the writ of *habeas corpus* did not extend to the territories of the United States. He has been since twice elected to the high office of chief magistrate of this great and free country; and if his admirers had been content with saying that the people have elected him because, in their estimate, his merits and services far outweigh his faults and errors, though I never have concurred, and never can concur, in that opinion, I should not have adverted to the disagreeable topics I have now mentioned; but we are constantly told that the people have approved, justified, sanctioned all his conduct. Since he has been in the administration of affairs, precedents favorable to the extension of executive power, to a degree that I had never imagined the possibility of, have been multiplied, and are multiplying. I look to the consequences with terror. God grant I may be mistaken in my impressions of the past, and my forebodings of the future; but I must declare my opinion, that never did any republic make such rapid strides towards pure monarchy as we have done within these few years past. Saying this, let me be understood. I impute no such designs to any body, much less do I impute any inclination for monarchy to the great body of the people. I believe no republican people ever, knowingly and of purpose, gave up the blessings of free government; but in the heat of violent political contentions, the official agents of the people, and the people themselves, have but too often unwarily concurred in introducing and sanctioning principles of administration which, once put into operation, work with uncontrollable effect, beside and beyond the original purpose and design, and, in the end, endanger the very being of the republic. And this, in my opinion, is what we have been and are now doing. The very confidence we have in ourselves and in our institutions, as it stifles in the public mind that jealousy, vigilance and care, so essential to security, is a principal source of our danger.

Well was it said the other day by the gentleman from South Carolina, (Mr. *Calhoun*), that precedents apparently trivial are often of the utmost importance, because they may be applied, stretched or perverted to cases never apprehended or foreseen; and that precedents affecting constitutional questions are rarely resorted to as authority for the exercise of any but doubtful powers, for the plain reason that the authority of precedents is never necessary, unless the power they are wanted to sustain is doubtful. Witness the use now made of the two precedents of expunging, found in the proceedings of the senate! Sir, we shall find it an eternal truth, that "there is no other course to be taken in a settled state, than a steady constant resolution never to give way so far as to make the least breach in the constitution, through which a million of abuses and encroachments will certainly in time force their way." I quote the words of Swift, a monarchist and a tory to be sure, yet they are the words of political prudence and wisdom; they embody the lessons and the warnings of experience, which the republicans of this country will do well to hearken to and remember.

And now, sir, I think myself well warranted in saying that the expunging of the resolution of the senate of the 28th of March, 1834, from the journal, literally or figuratively, is wholly irreconcileable with the constitution, upon any fair construction of its words; and that no authority for such expunction can be found in any precedency whatever at all applicable to the purpose, or entitled to the least weight. I think myself warranted in saying, too, that if the senate shall adopt this proposition, and carry it into execution, it will set a precedent fraught with the most dangerous and pernicious consequences. But there was one position taken by the gentleman from Missouri, (which indeed I consider as the main ground of his argument), so important in itself, that I have reserved it for a separate consideration.

I understand the gentleman to insist that it will not suffice to reverse, repeal, rescind, annul, make void, the resolution of March, 1834, because "all these admit either a legal or an innocent beginning;" and that expunction is the proper remedy, because "that implies an original wrongful proceeding, which infers misconduct as well as error, and requires rebuke as well as reversal." And his leading argument to prove that the resolution *began in wrong*, is, that the senate had no right to entertain and act upon such a resolution; that it was an act of a judicial nature, not belonging to us in our legislative capacity at all, and incompatible with our judicial functions and duties; that the resolution is an impeachment of the president of a high crime or misdemeanor, which the house of representatives alone has the power to prefer; that we impeached the president, tried him without a hearing, prejudicated his cause, convicted him, and only abstained from passing sentence of incapacitation upon him. This argument was first suggested to my mind by a

gentleman from New York, (Mr. *Wright*), in a speech in the debate on the resolution; and I then weighed it well. It was repeated in the president's protest against our proceedings, and in the debate which ensued; I re-examined it; I expected to hear it reiterated on this occasion; but if it be well considered, I am persuaded it will never be repeated again.

The resolution declares "that the president, in the late executive proceedings in relation to the revenue, had assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." The words cannot be tortured into an allegation that the president *wilfully* assumed and exercised illegal and unconstitutional power; no criminal intent is charged, expressly or by implication; the language is (and was, in fact, intended to be) carefully confined to the *acts* of the president, without impugning or touching his *motives* at all. If this is not plain upon the face of the resolution itself, no argument can make it plainer.

The gentleman from Missouri, as if sensible that the resolution itself imported no criminal charge, has, in the preamble to the resolution he has now offered us, recited the resolution which was first proposed concerning the removal of the public deposites from the bank of the United States, as a key, I suppose, to unlock the meaning of the resolution that was adopted; and, in his speech, he has referred to speeches made in the debate on the subject, in order to ascertain from them that criminal motives and design were intended to be imputed to the president. Sir, to my mind, the first resolution proposed, concerning the removal of the deposites, does not vary, in this particular, from the resolution that was finally adopted: there is no charge of criminal intent, no imputation on the president's motives, in the first any more than in the last. But suppose there were—with what color of reason or justice can the gentleman from Missouri, in order to ascertain the meaning of the language which the senate used, have recourse to language which it did not use? resort to a resolution, which the senate did not adopt, to find a reason for reprobation of that which it did adopt? As to the speeches that were made on this floor, which, in the gentleman's apprehension, distinctly imputed wilful guilt to the president, I cannot take upon me to contradict him, for I was not then here, and did not hear them: the debate was drawing to a close when I took my seat in the senate. I can only say that I read no reported speech containing any violent denunciations of guilt and crime, at all answering the description he has given. But here, again, I ask, what right has he thus to take the sentiments of particular members expressed in debate, as a certain exponent of the sentiments of every other senator who, in the result, votes with him? Does he suppose that every gentleman who votes with *him*, on any question which he debates, enters into all the feelings, motives and sentiments, adopts all arguments that influence his judgment and conduct, and makes them his own? But I recall the attention of the senate to this singular method of detecting offence in the resolution of March, 1834, chiefly for the purpose of showing the manner in which it affects the freedom of speech in this body, and the reverential awe with which it supposes we ought to examine the official acts of the president. All proper decorum and respect ought to be preserved towards him, I agree —for his sake, for our sake, out of respect to the public, out of a just sense of the dignity of the government: but shall those strong (if you please, too strong) expressions of disapprobation or censure, which fall from gentlemen in the ardor of extemporary debate, which, perhaps, in cooler moments, they would have left unsaid—shall these be treasured up in memory, and urged as censure, not only against them, but all that vote with them, upon the question in debate? What is this sanctity in the office of president of the United States, which all men should have forever before their eyes, present in their thoughts, inviolable in their speech? No such sanctity hedges the impeachable ministers of the British government. Lord Chatham once said, in the house of lords, that the minister (the prime minister) had advised the king to tell a deliberate falsehood. The gentleman from Missouri says, "we have borrowed largely from our English ancestors, and, because we have so borrowed, results the precious and proud gratification that our America now ranks among the great and liberal powers of the world;" and he traces our dearest institutions to English origin. I hope we have not forgot to borrow from them freedom of parliamentary debate. That high encomium which the gentleman pronounced upon our English ancestors is just and true, and, therefore, I was pleased to hear it fall from his lips; but if it had come from me, it would have been regarded as a proof of my aristocracy; for it has often been imputed as aristocracy in me, that I make frequent reference to English history, (which, in truth, I have read more of than any other, but only because it has been more accessible to me); that I have studied the history of the English government and laws, and imagine that instruction may be found in them applicable to our own. I am content to bear the imputation: if the fact, without any criminal intent, constitutes guilt, I must be convicted: I know no method of acquiring a thorough knowledge of our own institutions but by cultivating a knowledge of English institutions.

In all impeachments that I have seen, the facts of misconduct are specifically alleged, and some criminal intent, more or less heinous, expressly imputed to the accused. We have seen that, in the articles of impeachment against sir Robert Berkley, for his extra-judicial opinions, and his concurrence in the judgment against Mr. Hampden, in the case of ship-money, the opinions and the judgment are set out at large; the fact that they gave them, and the gross illegality of them, are distinctly alleged; and then it is charged that all those "words, opinions and actions were so done and spoken by the said sir Robert Berkley, traitorously and wickedly, to alienate the hearts of his majesty's liege people from him, and to set a division betwixt them, and to subvert the fundamental laws and established government of his majesty's realm of England." And whoever will search the numerous precedents of articles of impeachment in England, I will answer for it that he will find this precedent substantially complied with, in charging the facts and laying the criminal intent. The gentleman from Missouri says that no criminal intent is charged in *three* of the articles of impeachment against judge Chase, and (as I understand him) in *one* of the articles against judge Pickering. The gentleman is certainly mistaken. The criminal intent is distinctly charged in all of the eight articles against judge Chase, except one; that, namely, in which it is alleged that, in Callender's case, he did not conform with the statute of Virginia regulating the process in prosecutions for misdemeanor. That article alleges the departure from the law, but omits to allege that he did so willully, or even that he was aware of the provisions of the statute; and upon that charge he was, of course, unanimously acquitted. The article of impeachment against judge Pickering, in which the gentleman supposes no criminal intent was laid, imputes to the judge the grossest intemperance and indecency in the judgment seat; nor could the criminality of such conduct (than which hardly any official misconduct could be more *clearly* criminal, however it might be more heinous), have been more strongly and expressly charged. He was convicted upon this charge. The gentleman says that, in fact, the judge was insane, and was incapable of crime. How the gentleman got his information, I do not know; he certainly did not get it from the record. [Here Mr. *Leigh* referred to the record of the impeachments and trials of judge Pickering and judge Chase, in the journals of the senate, and showed the exact state of the facts.]

The resolution of the 28th March, 1834, declares that the president's conduct in relation to the revenue was illegal and unconstitutional, without more. Gentlemen say that the *fact alleged implies crime;* that it *implies* a violation of his official oath "to preserve, protect and defend the constitution of the United States." Now, in the first place, let us advert once more to the proceedings in the ship-money case, which my colleague has quoted with so much approbation, where the house of lords declared the extra-judicial opinions of the judges, and the judgment against Mr. Hampden, illegal and unconstitutional, in the strongest terms, without imagining that that declaration was a prejudication of the impeachment against one of the judges then pending, which the lords, as the high court of impeachment, were to try; in other words, that it did not occur to them that the fact of extra-judicial illegal conduct *implied* crime. In the next place, let me ask gentlemen whether they suppose that, in maintaining that this expunging process they are so intent upon is unconstitutional; in declaring my opinion (as I do most conscientiously) that it is a plain violation of the constitution, I mean to charge *them* with a wilful violation of the constitution, and of their official oaths? I know mankind too well. It has been said that, if men's passions could be made to enter into the question, they would differ and dispute upon the plainest proposition in Euclid; and there is no passion so apt and so potential to influence and determine the judgments of public men as party spirit. Gentlemen, in both houses of congress, are daily alleging that measures strenuously maintained by others are unconstitutional, plainly unconstitutional; yet no one ever thinks of giving or taking offence, which, surely, all would do if they thought that to allege unconstitutional conduct is to charge wilful guilt. The president has often put his *veto* on acts passed by both houses of congress, on the ground that he thought them unconstitutional. I can hardly believe that he meant to charge the majority of both houses with an intentional violation of the constitution and breach of their official oaths. I have heard the judgments of the supreme court publicly impugned, as being contrary to the constitution. I have heard chief justice Marshall's opinion so impugned by men who entertained the highest respect for his abilities and integrity, and would have considered it a reproach to themselves if they had been gravely told that they had imputed to the court a wilful departure from right, truth and justice. Sir, there is but one hypothesis upon which the allegation made in the resolution of March, 1834, that the president's conduct was illegal and unconstitutional, can *imply crime*, and that is, that his judgment is infallible, and that it is morally impossible for him to do an illegal and unconstitutional act, through error of judgment. That is very far from my opinion. There is no man whose judgment I should esteem infallible on such a subject, and the president is one of the last men to whom I should attribute any such infallibility. And, though I believed at the time I gave my vote on the resolution of March, 1834, that the conduct of the president therein referred to was illegal and unconstitutional, and though that it still, and probably will always continue to be, my firm, undoubting opinion, I have no hesitation in saying that, if the president had been regularly impeached for that conduct, and I had been called upon to decide his cause as one of his judges, upon all the evidence then (or, indeed, yet) known to me, touching the motives of his conduct, my voice must have been for his acquittal. I could not have found the wilful criminal intent essential to constitute guilt.

The gentleman from Missouri loudly reprobates the resolution in question, on the ground that its allegations are vague and indefinite; not perceiving that that very circumstance furnishes the strongest proof that a criminal accusation was not made or intended. The idea of impeaching the president of crime or misdemeanor never entered into the thoughts of any senator who voted for the resolution; and there was not a human being, I am quite sure, who so much as imagined the possibility of an act of impeachment by the house of representatives; the case of such impeachment was only supposed in argument, never apprehended in fact.

It is said that the resolution of March, 1834, cannot be regarded as a proceeding in our legislative capacity; and in proof of this, it has been observed that no legislative measure was founded upon it, and that none was intended. This appears to my mind the most gratuitous assumption that ever was made. It was the opinion of the mover in those proceedings, that the public deposites, at least of the revenue which should afterwards accrue, ought to be restored to the bank of the United States; and it was proper to ascertain the sense of the senate on the question, whether (for the reasons assigned by the executive) they had been constitutionally and legally withdrawn or not; for, if the senate had held the affirmative on that point, it would have been vain and idle to prepare and bring in a bill for the purpose. The course pursued is usual in all legislative bodies. As it was, I have not the least doubt that the known state of opinion in the house of representatives upon the subject alone prevented the senate from passing a bill for the restoration of the deposites. The senate did take measures, some time after, to ascertain the sense of the house: on the 4th of June, 1834, it passed a joint resolution directing the deposite of the public moneys to be made with the bank of the United States and its branches. The house never acted upon it.

But let us examine more closely the reason and foundation of this opinion, that the senate cannot, in its legislative capacity, discuss and determine upon the constitutionality or legality of any act of the president; and let us see, too, the extent of the principle. It is supposed that the judicial power vested in the senate, as the court for the trial of impeachments, operates as a limitation upon the action of the senate in its legislative capacity; that the senate cannot, in its legislative capacity, express any opinion impugning the constitutionality or legality of any official act of the president, because it may be called upon to decide the same question judicially, upon an impeachment against him for the same act. Now, it is obvious, that if the senate is, for this reason, incompetent to pass any resolution, impugning the conduct of the president as unconstitutional, neither is it competent to pass a resolution approving his conduct as constitutional and proper; for it can be no more within the competency of the senate to prejudge the president's cause, and acquit him, than to prejudge and condemn. Partiality in judges towards the accused is as vicious as prejudice against him. Nay, more: it is the duty of every senator to avoid the forming, and expression of, an opinion on the constitutionality of the president's conduct; to close his mind against all information on the subject; to hold his judgment in suspense. Nor is this all. The senate and house of representatives are made by the constitution co-ordinate branches of the legislature, and their legislative powers are coequal, too, with the single exception, that money-bills can only be originated in the house; and then a distinct judicial function is assigned to each. The house is the grand inquest of the nation to accuse and impeach; the senate is the court to try and determine. As to all matters of criminal accusation and impeachment, the action of the house is just as much judicial in its nature as the action of the senate; the only difference is, that their judicial functions are different. If the senate, in its legislative capacity, is incompetent to examine the constitutionality of the president's conduct, and express its opinion upon it, the house, also, in its legislative capacity, is incompetent to do so.

If, therefore, the president shall, upon any occasion, adopt any measure questionable on constitutional grounds, no matter how mischievous the measure may be in its operation—no matter how urgent the necessity for prompt and decisive legislative action, to correct the procedure and arrest the progress of the evil—neither branch of the legislature can examine, or even inquire into, the subject in its legislative character, much more pass an act to remedy the mischief. The house of representatives must first resolve itself into a grand inquest; examine the president's conduct in that character; impeach him, if it find just cause for impeachment; prosecute him before the senate; and prosecute him to conviction by the judgment of two-thirds of the senators sitting on the trial; and then, and not till then, the two houses may set about devising measures to counteract the unconstitutional and illegal measures of the executive. And furthermore, as the senate cannot convict the president, without being satisfied in its conscientious judgment that his unconstitutional proceedings are justly imputable to criminal motives and designs, no unconstitutional acts of the president can be corrected by any legislative measures of congress, if the president's violation of the constitution and laws shall appear to be justly imputable to an innocent error of judgment as to the extent of his own powers—an error into which (of all others that can be conceived) men in power are most apt to fall. Meanwhile, the measures of the executive continue in operation, and perhaps work their full effect, unchecked, unembarrassed, by any manner or counteraction which the legislature can constitutionally devise and provide. Sir, if this doctrine that the senate, and by parity of reasoning, the house of representatives, also, are incompetent, in their legislative capacity, to examine and determine upon the constitutionality or legality of executive acts, shall be established, then I say that the executive is, really and truly, the government, and the whole government; that the president is, in every practical view, absolutely irresponsible; that he is a more absolute potentate than any prince, king, or emperor, in Europe, except, perhaps, the autocrat of all the Russias, and the grand signior of Turkey. And this process of expunction of our resolution of March, 1834, is to be resorted to on the supposition that this doctrine is just and true, and to establish it as a constitutional principle of this federal republican government.

During the same session of 1833-4, at which the resolution concerning the president's conduct in relation to the revenue was adopted, there was an inquiry into the state of the post office department, and the administration of its affairs by the then postmaster general, Mr. Barry; and that proceeding of the senate resulted in the following resolution, passed on the 27th June, 1834: "That it is proved and admitted that large sums of money have been borrowed at different banks by the postmaster general, in order to make up the deficiency in the means of carrying on the business of the post office department, without authority given by any law of congress; and that, as congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the postmaster general are illegal and void." This was at least as strong a condemnation of the conduct of the postmaster general, as the resolution concerning the conduct of the president in relation to the public revenue contained. I should certainly have voted for it myself, had I been in my place at the time, because the proposition it asserted was true in fact, and just in law; but, in giving that vote, I should not have been influenced by any opinion, that the illegal conduct of the postmaster general was imputable to criminal motives and designs. Enough had appeared to satisfy my mind that the grossest abuses and corruptions had crept into the administration of the department; enough to convince me that Mr. Barry was wholly unfit for his office; but the very circumstance of his unfitness, and much more besides, that came to my knowledge, inclined me to take a charitable view of his conduct and character; and I more than once publicly intimated this sentiment. And now that he has gone to his grave, I find a real pleasure in saying that I saw no evidence to implicate him in any intentional guilt. The resolution concerning his conduct was adopted by the unanimous votes of the senators present. It is manifestly upon its face liable to exactly the same objection now made to the resolution of March, 1834; namely, that it imported a criminal charge against the postmaster general, an impeachable officer; and, therefore, it was not within the competency of the senate in its legislative capacity to entertain and act upon it. The gentleman from Missouri voted for it; and, to avoid the charge of inconsistency, he now tells us that "the proceeding against Mr. Barry was objected to, and that in the first stages of it, upon the same grounds on which we now stand in the case of the president," (and of this he adduces proof), "and the vote which was given by me and my friends, was a vote forced on us by the majority of the senate, and, being so forced upon us, was given, as we believed, according to the truth and the fact. I well recollect that vote, and the conversation among us to which it gave rise. Some thought we should vote against it on the ground that the proceeding was unconstitutional, and that a vote in its favor would commit us on that point; others, of whom I was one, objected to the negative vote, because it would be against evidence, and would subject us to the imputation of voting as partizans and not as senators, and *because a negative vote admitted the jurisdiction just as much as an affirmative one.*"

Now, I ask, if a negative vote admitted the jurisdiction just as much as an affirmative one, in Mr. Barry's case, how is it that the negative vote which the gentleman gave in the president's case had no effect to admit the jurisdiction of the senate to entertain and pass the resolution of March, 1834? But this may be thought an *argumentum ad hominem*, which is never quite fair. I am afraid myself that it is not fair; because, though this is one reason which the gentleman assigns for his course, it is not the only reason; and because he has vindicated his general consistency in relation to this question, by showing that he maintained the same opinion he now contends for in February, 1831. I did not myself perceive the inconsistency between the vote against the resolution of the 28th March, 1834, and the vote for that of the 27th June, until it was pointed out to me; and my impression was, that it might be accounted for by the hurry of business when the last vote was given, and the little importance of the subject of that vote, compared with the vast importance of the subject of the first; so that the principle involved escaped attention when the last resolution was adopted. The only question at all material is, whether the opinion the gentleman now advances concerning Mr. Barry's case, is right or wrong? I have no wish or care to convict the gentleman of inconsistency, nor was that my purpose in adverting to this topic. My purpose lies much deeper. I pray the senate to observe that it is now admitted, nay, contended, that the same principle which should interdict the senate, in its legislative capacity, from examining and determining on the constitutionality of the acts of every impeachable executive officer; and then all the consequences follow: the unconstitutional acts of all executive officers can only be examined by the house of representatives, in its judicial character, as the grand inquest of the

nation; can only be examined by the senate, in its judicial character, as a court of impeachment; can never be corrected by legislative action, until the impeachment is determined; cannot be corrected even then, if the senate, convinced of the innocence of the accused of all criminal motive and intent, should be itself bound in conscience to acquit him of guilt; and meantime the unconstitutional measure will have been in full operation. And thus, this process of expunction will have the effect of establishing a principal vitally affecting the competency of the two houses of congress in their legislative character; and a principal that will protect not only the unconstitutional acts of the president, but those of all his subordinate executive officers, from legislative inquiry, examination, counteraction and correction.

I shall not now enter upon a discussion of the question whether it was true, in point of fact and in point of law, as the resolution of March, 1834, declared, that the president's proceedings therein referred to were illegal and unconstitutional; because, supposing that declaration not just and true, yet, if the senate had competency to act upon the subject, its action did not *begin in wrong*, and the remedy is to correct our error by *rescinding*, not by *expunging*, the resolution. Surely, the present majority of the senate are not going the length of expunging every proceeding of the then majority, which it shall consider erroneous in principle and in fact. The question of the *competency* of the senate to pass the resolution of March, 1834, lies at the bottom of the argument of the gentleman from Missouri, in support of his motion to *expunge*, in preference to *rescinding*. That question I have now discussed. I wish to confine myself to what affects the question of *expunging* only. If a motion shall be made to rescind, though I shall have no new argument of my own, I may find it my duty to recapitulate the conclusive arguments of others to show that the resolution of March, 1834, is just and true in all respects, and that the principle it asserts is essential to the maintenance of our free institutions.

The gentleman from Missouri said that "*expunge* is a severe remedy, but it is a just one. It reflects reproach, but the fault is not ours, but of those who compel us to it. Let us go on, then, and neither compromise for difficulties, nor despair for failures. If we fail now, let us try again. If we continue to fail, and have to retire before the good work is accomplished, let us transmit and bequeath it to the democracy of America. Let us give it to the aged sire, that he may hand it down to his heir—to the matron, that she may deliver it to her manly son—to the young mother, that she may teach her infant babe to suck in the avenging word EXPUNGE, with the life-sustaining milk which it draws from her bosom." As to that young mother who shall be willing to mix the bitterness of that "avenging word expunge," or any other vengeance, with the milk which, with the sweetness of maternal love, she should minister to her babe, it is to be hoped she will never have any more off-spring, and if the unhappy babe shall suck the spirit of vengeance with his mother's milk, what deeds he may perform in his mature manhood, it is revolting to reflect. But none of the young mothers are going to take this advice—that I am sure of. And if the democracy of America shall be willing to accept the legacy, which the gentleman from Missouri is so bountifully desirous of bequeathing to them, and to improve it to the degree of which it is susceptible, I fear some future advocate of monarchy may find cause to remember and apply to *us* the contemptuous language which the toryism of Swift has applied to all democratic states—"that an usurping populace is its own dupe—a mere underworker, and a purchaser in trust for some single tyrant, whose state and power they advance to their own ruin, with as blind an instinct as those worms that die with weaving magnificent habits for beings of a nature superior to their own." And, sir, I venture to warn my countrymen, that if they would avoid the reproach of being dupes, they must never indulge the vain-glorious imagination that they are incapable of being deluded; that they must distrust and watch their agents, distrust and watch themselves, watch over their constitution, their laws, and especially their public treasure, upon which the rights they so dearly value essentially depend.

A LETTER WRITTEN IN 1776.

From the Boston Transcript.

The subjoined letter was rescued the other day from the maw of a paper mill. We thought it worth preservation, as indicating the feelings of the "king's own" toward the "rebels," and for the very handsome compliment the writer pays, with more sincerity than he was aware, to the "d——d Connecticut and New England people." The letter was written from New York, and the writer, we presume, was an officer of the British navy. It is directed "To Mr. Arch'd McNeal, at Halifax: per favor capt. Barnwell Stephenson."

"*October 6th*, 1776.

"DEAR SIR: I promised your good lady, when I left Halifax, to write you from this part of the world. The first opportunity I omitted, it being a man-of-war, and his lordship, our admiral, is very private in the destination of his ships. Now to tell you how we got to New York. The first battle we fought was on Long Island. Much to the credit of our army, there were killed and taken prisoners on that day, 3,000 men; the rest, in a dark night, decamped to New York, where soon after, they were drove away in like manner, like cowards—for they have never made a stand before our troops yet. They are now at King's bridge, where we expect the general will attack them, every day, every thing being prepared, and a number of transports, with troops, and three men-of-war, which most people expect are going to Albany—which I believe is pretty true, for they lay half way up the North river already. We have numbers of the rebels come in every day, who say one and all are quite sick of the lay, except the d——d Connecticut and New England people, which keep the rest quite under command. God send them a little courage, that they may stand once, to get a few thousand of them slain, that we may have a new race of men.

"Our admiral and general agree very well, which makes every manœuvre go on with spirit and pleasure, and the navy do their part. All, except the army and navy, have taken up their winter quarters in New York, where a few nights ago, they had near been burnt in their beds, by some premeditated villains who were left in New York for that purpose. They set fire to it in different places, and burnt a quarter of the town before we could stop it. I believe most of these villains were taken—many of them in the very act, whom the mad soldiers threw into the flames. Two, your friend, captain Wallace, hung in the street, on a sign post; the rest were carried to prison, where they will be hung or burnt, I believe, in a day or two. Now, I think it's most time to inquire about your family. I hope they are all well. Have you plenty of fresh grub, as the sailors say? I assure you till within these few days we have been very short—one fresh dinner in a week, and I thought myself very well off. But now we have a good prospect of being well supplied all winter, if the d——d Hessians don't get into town, for they rob and plunder without distinction, wherever they go. To-night is Sunday night; I wish I could spend it with you—I think I could make myself very happy; but as the distance is so great, must content myself with drinking all your healths in some porter. I have some very good, I assure you. I wish you were here to partake of it. Poor Jack, we have not been able to hear of yet, but soon expect an exchange of sailors, when we hope to have him in the list. I believe I shall tire you with my details, so will wind up till the next opportunity. My best compliments to your good lady and all the family—hope they are well. Arch and I meet every day. I remain your sincere friend and humble servant,

JOS. ROYAL LORING."

"P. S. The bearer of this is a clever fellow—the captain of my old ship—who will tell you all about it. If he returns I shall expect a few lines by him."

JEWISH FUNERALS.

I cannot say that my friends the Israelites are so free from verbosity as the Moors in their sepulchral inscriptions; yet still I am glad that the conquerors have spared them. Farther west from Bab-el-Oued than the demolished Moorish tombs, and happily out of the line of the great road, lies the Jewish cemetery. It has neither flowers nor trees; but it is, to my taste, a picturesque and interesting place. It contains, I should think, though I cannot say I have reckoned them, hundreds of graves, covered with slabs of pure white marble, with the Hebrew characters beautifully engraven and colored black, and here and there surrounded by sculptured hands, denoting the tombs of rabbis. I need not apologise to you for my interest in the Hebrews; the very characters of their language beget reverence in my heart. Most ancient and ill used people! It is some comfort to see their ashes undisturbed in a country where they have suffered so much. I often visit this cemetery by clear moonlight, when the many tombs contrast their foreground splendidly with the blue amphitheatre of hills above, and here, as if the ground inspired my memory, I can vividly recollect the brightest passages of that prophet poet Isaiah, who painted futurity like the present scene.

[*Letters from the South by Campbell.*

Since returning to England, I applied to Mr. Horwitz, professor of Hebrew in the London university, to translate the epitaphs which I brought home, and he very kindly took the trouble to do so. He tells me that the style is modern, or corrupted Hebrew, which has its difficulties to the best Hebrew scholar.

I. *Epitaph on a female.*

Call forth the lamenting women to prepare a mourning, and to weep over the graceful and lovely lady who was smitten with the plague in the day of anger, and descended into the lonely grave through the wrath (of God). She buried her husband after the death of her husband. She was of fair form and stature—agreeable in her deeds to those who knew her. Hannah her name was called, the consort of the rabbi Joseph, of the family Buleis. In the month of Sivan, in the year of the creation 5517, her blameless soul ascended to the highest heaven.

II. *On a young man.*

(This is) the tombstone of a lovely, upright and worthy young man—Joseph, the Levite, of blessed memory, who was slain for no crime, but in consequence of false imputations raised against him and his seven companions, who were killed with him the same day, on account of an unjust sentence that was pronounced against them by their enemies concerning. May God, in his mercy, avenge them and the innocent blood which was shed in the land.

Be amazed, ye heavens, at this! How have the righteous thus ceased, and to come to an untimely end! Woe to the eyes that have seen this, and woe to the ears that hear this! On the fourth day of Tammuz, in the year of the world 5500, their souls went into the Upper Paradise, where they will find rest. [*N. Y. Star.*

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

Our pages are so filled with articles we felt it a duty to hasten the publication of, that many others, of a miscellaneous character or of more remote interest, have been postponed. A *multitude of matter* is lying over.

—

United States bank stock. At Philadelphia, 124 7-8 @125¼—at New York, 125¼@125½.

—

"*Measures not men*" Fifty tailors have just arrived at New York from Liverpool, in the ship Star.

—

A tie. The new board of assistants made *thirty-four* ballotings yesterday for president, without effecting a choice. They then adjourned till Thursday.

In the board of aldermen the number of ballotings was *thirty-nine*, without effecting a choice, the strength of parties being exactly equal. The candidates were Benson (W.) and Varian (J.) The board then adjourned till Thursday. [*N. Y. Jour. of Com.*

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A panic! A report prevailed at Nashville that the public deposites, or a part of them, were to be removed from the Union bank. That is—that the bank would be required to pay a certain portion of the debts which it owed! This seems to have caused much *alarm;* and the *Nashville Union* of April 28, an *entire* "government paper," thus notices the report:

We only await the reception of a document, which we expect to receive to-day, in order to lay before our readers, an authoritive refutation of the insidious and mischievous statements and misrepresentations which have been made by the Banner, Franklin Review and other papers of kindred opposition politics, in relation to the alleged removal of a portion of the government deposites from the Union bank of this city. Suffice it to say, until our next, that *no part of the deposites have been removed—that the amount within a few days has been greatly increased*—and that, in all probability—unless it becomes imperiously necessary for the public service—*no part of the deposites will be called for by the treasury department during the season.*

Again! The Globe, which speaks only the views of the ruling party, yesterday issued the following order to the deposite banks—those of New York in particular:—

"The present state of the currency imposes upon the leading deposite banks the obligation of lessening their loans, calling upon other banks for regular settlements and payment of balances in specie, and thus give a check to their too extended operations; to the raging mania for wild speculations and overtrading; and thus restore a more wholesome state in the currency of the country."

—

There is an *awful* pressure for money, in most of the cities. The shavers exact their pounds of flesh. The deposite project, we think, has completely failed.

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Hear ye, representatives in congress from the old states! Hearken to the voice of the oracle which foretels your destiny, if ye be not wise in time! The Detroit Free Press, the organ of the spoils party in Michigan, cries out against the passage of Mr. *Clay's* land bill, and predicts its defeat—arguing against present action upon it in the following terms: [*Nat. Int.*

"When both Michigan and Arkansas shall become members of the union, *the new states will be strong enough in the senate* to defeat any measure which may be injurious to their interests, if not *powerful enough* to accomplish what will promote them. It is highly important for the new states that Mr. Clay's bill, now before congress, *should be defeated.*"

—

The Washington Globe of Monday, states that authentic information has been received of the payment to our agent at Paris of all the instalments due from France under the treaty of the fourth July, 1831. Its amount in all is over three and a half millions of dollars.

"We understand says the Globe that the money received is in the course of transmission to this country in gold, at the rate of about two hundred thousand dollars in each packet; and that the utmost dilligence is employed in the bureaus of the treasury department, so far as consistent with the pressure of the current business and the calls of congress, in comparing the names of the debtors to the United States with those in whose favor awards have been made, for the purpose of retaining such sums as may appear to be due to the government from all such claimants. Scrip for the proper amounts will then be issued to all such as are entitled to the indemnity under the awards.

"If congress do not pass the bill before them, authorising an immediate payment of all the instalments, the net proceeds of the whole amount received from France will be paid over as soon as it arrives and as the amount due each claimant can be ascertained.

"It is expected that the scrip will be ready some time before all the money arrives."

—

From the Globe of Monday. We are informed that several members of congress have made inquiries of the president in relation to the fact stated by Mr. Adams in debate, that he had consulted him (then a major general in the United States army), in regard to the limits stipulated in the treaty of 1819, for the south western frontier of the union. We are informed that the president, in reply to these inquiries, has said, that Mr. Adams must have fallen into some mistake; that he has not the slightest recollection of having been consulted on the subject; that he could not have expressed an opinion in regard to the topography of the country, or the nature and extent of the claim set up for it by our government, and because the only point in the treaty with which his duties as a military man made him acquainted being Florida, he presumes, if consulted at all, in relation to the treaty, of which he has no recollection, it must have been in regard to that territory.

[See Mr. *Adams'* replication in Tuesday's proceedings of the house of representatives.]

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From the National Intelligencer of Monday, 9th of May. A debate of great interest sprung up in the house of representatives on Saturday last; of which a brief outline will be found in our report of that day's proceedings. [See congress news.] Brief as it is, however, it will serve to give our readers some idea of the topics and course of the debate. We entreat the attention of all our readers to it. If we mistake not, they will find in it much matter for very serious thought. They will be pretty generally surprised at some of the disclosures made, and not least, that, when the most suspicious amongst us never dreamt of it, we should have been deliberately taking steps which, as is proved by the very military appropriations now required from congress by the executive, it has been anticipated *might* lead to difficulties, if not hostilities, between the United States and Mexico.

It is satisfactory, however, meanwhile, to learn that the arguments in favor of assembling troops on the Sabine, drawn from the employment of Indians by the Mexicans against the Texians, and from the near approach of the Mexican troops to the border, are deprived of all the force to which they were entitled by the positive contradiction of the reports to that effect which have been lately circulated.

We are happy to infer, almost certainly, from the Mexican official papers that the whole story of the massacre of colonel *Fanning's* command is, from beginning to end, a fabrication, and that colonel *Fanning* and his men are now prisoners of war in the Mexican territory.

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The Richmond *Enquirer*, whose editor is likely to be well informed on the subject, gives it as its impression, that, if the president felt himself at liberty to indulge his private feelings, he would not hesitate one moment to speak liberty to Texas, and an affiliation with the *United States of America.*

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From the National Intelligencer of May 10.

The Texian subject has assumed an aspect entirely new so far as the government of the United States is concerned,

since the debate in the house of representatives on Saturday last, in connection with the documents which were read on that day, and which we have copied into the preceding columns from the Globe of yesterday.

From these documents, &c. it will be seen that the executive has undertaken to claim, as being within the limits of the United States, territory over which the Mexican government has heretofore exercised jurisdiction, including "old Fort Nacogdoches;" and has authorised gen. *Gaines*, under such interpretation of the rights of the United States, to cross the Sabine and occupy that post. Of this determination on the part of the executive, communicated to gen. *Gaines* by a letter from the war department dated the 28th ult. the secretary of state (Mr. *Forsyth*) apprized Mr. *Gorostiza*, the Mexican minister, in a conversation on the 20th of April, assuring him that the measure was "not to be taken as an indication of any hostile feeling, or of a desire to establish a possession or claim not justified by the treaty of limits."

What the Mexican minister said, if he said any thing, in reply to this communication from the secretary of state, has not been communicated to congress. The executive has left congress in doubt on the subject, unless it may be inferred, from nothing being said of it, that the minister had not a word to say in reply to what Mr. *Forsyth* communicated to him. Such may have been the case. But we doubt it. Be that as it may, however, we should be wanting in our duty to our readers, if we did not warn them, in time, of the imminent danger of our being involved by this measure in a war which cannot be otherwise than disastrous to the whole western frontier, however fortunate we may be in its prosecution or victorious in its termination. We earnestly hope that the danger may pass away, that the Mexican government will be satisfied with the assurances of the secretary of state, that the military occupation of the Mexican territory is from an amicable motive, and will continue no longer than until the line is run and the true limits marked—notwithstanding the demonstrable proposition that no line that can be run, according to the terms of our treaty with Mexico, can include the said old Fort Nacogdoches. We hope that the government of Mexico will avoid coming into a collision with the United States, which, however it be brought about, would be at least as disastrous to Mexico on her maritime border as it would be to the United States on our western frontier, and would be justly a subject of reproach, in the community of nations, to both countries.

We have assumed it, above, as demonstrable that no line that can be run under the treaty can include the old post of Nacogdoches, which gen. *Gaines* has been instructed to occupy. We will now state the grounds of this assumption on our part.

But, first, let us state, without reference to our treaties with Spain and Mexico, the material points in this question of boundary:

1. The sources of the Sabine, properly so called, rise near the south side of Red river, and head over all the sources of the river Neches.

2. The Sabine, where intersected by latitude 32 degrees, is a river, which is, at high water, navigable by pirogues and small batteaux. The line of latitude 32, extended westward, would strike only the head-creeks of the Neches.

3. Nacogdoches, situated some fifty miles west of the Sabine, is an ancient Spanish establishment, made long previous to the French colonization of Louisiana. The land-grants of *all* the country from the main river Sabine westward, and some of them east of that stream, emanated from the land office in San Antonio de Bexar (of which the Alamo was the citadel). Consequently all the country west of the Sabine river has, at all times since the colonization of Louisiana by France, and of Texas by the Spaniards, been regarded, up to the present time, as part of the Spanish (now Mexican) territory.

So clear, indeed, is this question, that no person, even moderately acquainted with the geography of the countries on both sides of the Sabine would any more regard the Neches as the main stream of the Sabine, than they would the Shenandoah as the main stream of the Potomac, or the Juniata as that of the Susquehannah.

Let us now refer to the solemn recognition by treaty of the boundary of Texas, whilst that province, with all the other states of Mexico, was still considered a province of Spain. The treaty with Spain (Feb. 22, 1819) recognizes the boundary between the two countries, west of the Mississippi, as follows: It "shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches or Red river; then following the course of the Rio Roxo westward to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red river, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being *as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January*, 1818."

The same treaty further stipulates, in reference to the boundary thus recognized, as follows: "The two high contracting parties agree to cede and renounce all their rights, claims and pretensions to the territories described by the said line; that is to say: the United States hereby cede to his Catholic majesty, and renounce forever, all their rights, claims and pretensions to the territories lying west and south of the above described line," &c.

As between the United States and Spain, nothing can be plainer or clearer than this definition of boundary.

But, still later, after the recognition of the independence of Mexico, that is to say, on the 12th of February, 1828, we made a treaty with Mexico (the ratifications of which were exchanged as late as April 5, 1832), in which was a new recognition of boundary, word for word, *in the very terms* (Melish's map and all) of the article of the treaty of 1819 with Spain.

Again: only on the 20th of the last month (the very day of the *conference* between the secretary of state and the Mexican minister) were exchanged the ratifications of a supplementary treaty, the sole object of which was to recognize and carry into effect the stipulations of the treaty of 1828 concerning the boundary line between the two countries.

Whatever doubt existed as to the boundary line was ended by the treaty of 1819 with Spain, not contradicted but solemnly renewed and corroborated by subsequent treaties with Mexico.

But, to prevent the possibility of the language of those treaties being subjected to different interpretations, Melish's map of January, 1818, was made *a part of each of these treaties;* and the line marked on that map, thus recognized, must be the true line, whatever any one may now think *ought to have been* the recognized line. According to that map, the post of Nacogdoches is, by measurement, *forty-eight miles west of the western boundary of the United States*, south of its intersection of the latitude of 32 degrees, and is of course so many miles within the Mexican territory.

This is a plain statement of the case as we understand it.

We do not pretend to deny, the reader will readily perceive, that it would be a very *convenient* thing to have the boundary line of the U. States extended as far west as it is claimed—(though such an extension would not embrace the principal settlements made in that country, by emigrants from the United States)—but it is an acquisition which can be made in one only of two ways; that is, with the consent of Mexico, or by conquest. To the former mode of obtaining it we have no objection: to the latter we have all the repugnance of those who have a due regard either to the faith of treaties or the law of nations.

Nor do we deny that, in the event of any hostile inroad into the territory of the United States, the invaders, whether Indians, Mexicans or Texians, may be *pursued* into Texas. What we object to is the authority expressly given to our commanding general on that frontier to advance into the Mexican territory as far as Nacogdoches; considering such an authority, under present circumstances, as one very liable, and very likely, to be construed into *an order*—and, consequently, an authority which ought not to have been given. Still less would we be understood as differing in opinion from those who deem an addition necessary to the existing means and material for the defence of the western frontier. It is due to the people of that frontier, not only that they should be protected from actual danger, but secured from the apprehension of it. All proper measures, having that end in view, and no latent ulterior purpose, will receive our cordial assent and approbation. But, of all conceivable ways of disposing of our surplus revenue, we protest against bringing into the field, upon the plea of defending the frontier, large armies of militia, should obvious necessity and propriety not require it.

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From the same. From *Tennessee* we learn that governor *Cannon*, as soon as he received the requisition of gen. *Gaines* from Natchitoches, issued his proclamation calling for volunteers, in companies of 64 rank and file, one captain and three subalterns each. Thirty companies will be received, who will, when assembled, elect their own field officers. We are very glad to observe that the object for which these volunteers are invited is distinctly stated to be "for the purpose of protecting our western frontier, and preserving the neutrality between Mexico and our government.

From a postscript to the same. After our paper was ready for press, last evening, we were happy to learn that a letter had just been received in this city from an officer of the army of the highest rank, at New Orleans, stating that there was not the least danger of any hostilities on the Texian frontier, either from Indians or from the Mexican troops, and that the governor of Louisiana concurred fully in that opinion, founded on the most recent information from the frontier. We infer from this that general *Gaines* has been misinformed and entirely mistaken as to the fears expressed in his letter to the secretary of war, which we publish to-day.

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It has been for some time generally reported that propositions had been made on the part of the Mexican government to the United States, treating of the sale of Texas to our government.

The rumor originated from a story that our minister, Mr. Butler, at Mexico, had caused it to be reported that the secretary of relations in Mexico had conferred with him on the subject of such sale. We find in the government paper of the Mexican republic, published in Mexico, under date of March the 7th, a correspondence between the secretary of Mexican relations and Mr. Butler, in which our minister in replying to the letter addressed him by the secretary, states explicitly, that no proposition or suggestion as emanating from the secretary, in relation to the selling or transferring of Texas, or any part of the Mexican territory, was ever made to him, and charges

the author of such communication as culpable of a direct falsehood.

So far as we can learn from a perusal of the government paper, the disposing of Texas to the U. States is very far from the intentions or wishes of the existing authorities of the Mexican republic. [*New Orleans Bul. April* 26.

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From the Delaware Journal of May 10. It is with deep regret we announce to our fellow citizens the death of our venerable townsman *Caleb P. Bennett*, governor of the state of Delaware. He departed this life yesterday afternoon about 4 o'clock, in the 78th year of his age, after a painful illness of about four weeks.

Governor Bennett was the last surviving commissioned officer of the gallant regiment of Delaware, and like all the officers of that distinguished corps, bravely and faithfully discharged his duty to his country. He entered the service when about eighteen years of age as an ensign, and with the unexcelculating and enthusiastic patriotism which distinguished that period of our history, he embarked his all in the venture and bravely persevered to the end. Major Bennett was present in all the general engagements which were fought in the middle states—at Trenton, Princeton, Long Island, Brandywine, Germantown, Monmouth, in all these engagements he was with the Delaware regiment, and, of course, in the thickest of the fight. At the battle of Germantown, he was severely wounded in the attack upon Chew's house. When general Gates was appointed to the command of the southern army, major Bennett accompanied his regiment under the orders of the brave De Kalb; and in the desperate conflict at Camden, his company was almost annihilated. He was then detached on the recruiting service to Delaware, and having completed his complement of men, joined the army of Washington, and closed a brilliant series of military services, by participating in the capture of Cornwallis at Yorktown.

Since the close of that eventful war, major Bennett has principally resided in Delaware, and for the last twenty years, in this, his native town. He was remarkable for all the qualities which constitute a good citizen: a tender and affectionate husband and father, a warm hearted friend and neighbour, a devoted patriot and an honest man. Amidst all the exacerbations of party contention, major Bennett was popular and respected—and those who differed from him in political sentiment, did full justice to the excellence of his heart, the ardour of his patriotism and the integrity of his life and motives. In the year 1832, he was elected by his fellow citizens to the office of governor of this state—being the first executive elected under the amended constitution. He died as he had lived, with the composure of a Christian and the intrepidity of a soldier. He has gone from works to rewards—the last of that gallant regiment whose deeds and services will live as long as the records of our country endure.

By the death of governor Bennett, the office of governor devolves upon *Charles Polk*, esq. speaker of the senate.

—

We have about a—*quarter of a peck* of articles and scraps relating, *or said to relate*, to the affairs of *Florida* and *Texas*—but only notice a few of them, at present. It is very difficult to distinguish between the probable and the fabulous. The avidity of the newspaper press for articles of intelligence, no matter much from what source, greatly tends to confuse and confound matters of fact.

A Natchez paper of the 26th Apail says—

Major McCall, aid to gen. Gaines, passed here on Saturday evening *direct from Fort Jessup*. He is the bearer of despatches to the president of the U. States. He contradicts the rumor that the Indians had taken up arms against the Texians, and states that gen. Gaines is satisfied he has been misinformed, and has consequently *recalled* the troops he ordered to the Sabine. Major McCall also states that capt. Quitman had spent some days in assisting the fleeing women and children, as he was also led to believe the rumor; but, being disabused of the error, *had gone on to join Houston*. We hope that the timid and credulous will be satisfied with this information, and no more prevent aid from reaching the Texians by means of giving currency to idle reports.

But a N. Orleans paper of the 27th has the following:

"*In camp, Sabine, April* 23, 1836.

"DEAR SIR: In my last letter I told you there would probably be 'war in the west.' General Gaines has just learned that an emissary from Santa Anna has been in the camp of Indians, and what the result of this will be we shall see by and by. In the mean time he has despatched capt. Hitchcock, of the U. S. army, and a file of 25 men, with a flag of truce, to the head quarters of the Mexican general, to warn him of the consequences, and to stay his hand, if possible, from the indiscriminate and inhuman slaughter he is committing upon our devoted countrymen."

FOREIGN NEWS.

From London papers to the 3d of April.

GREAT BRITAIN AND IRELAND.

The two houses of parliament adjourned for the Easter holydays on the 30th of March. The house of lords to the 12th and that of commons to the 11th of April. Mr. P. M. Stewart gave notice that on the 15th of April he should call the attention of the house to the late outrageous proceedings at Cracow, and also to certain quarantine regulations newly established by the czar, the effect of which would be to close the mouth of the Danube against the British trade with the Black Sea. Mr. Stewart also adverted to the commercial negotiations with Portugal. Lord Palmerston, in answer to a question of Mr. Stewart, admitted that the Portuguese government displayed an unfriendly feeling towards the reciprocity system, and intimated that corresponding measures would probably be resorted to, from necessity, by the British government.

The corporation reform bill for Ireland was read a third time and passed on the 28th of March, by a majority of 61, the division being 260 to 199. The bill had its first reading in the house of lords on the 29th, and lord Melbourne gave notice that he should call it up again on the 18th of April.

The evidence taken before the committee on military punishments continued to occupy a large share of public attention. The duke of Wellington's testimony, for flogging was very much quoted and commented on. The effect of solitary confinement, as ascertained by experiment in the United States, forms a prominent topic of discussion and remark in the London papers. One answer of the duke is worth quoting as a perfect illustration of the mechanical point of view in which soldiers are considered by commanders. The question related to the efficacy of the English army at a particular time, in reply to which the duke stated that "it was impossible to have a machine more highly mounted and in better order than that army."

We regret to say that accounts of outrages, robberies and murders in Ireland, continue to be dreadfully frequent.

The marquis of Waterford, well known to the New York police, got a sound drubbing at Nottingham from three poor glee-singers on whom he attempted to play off some practical jokes not of the most gentle quality.

American stocks. March 31. United States bank £22 10s, Pennsylvania fives, 101½ a 103, Maryland sixes 108, Ohio sevens 107, Louisiana 100 a 101, Mississippi Planters bank 26½, Tennessee Planters £3 10s, New Orleans canal and banking company 22 15, New York Life and Trust 93, New Jersey canal bonds 104½.

FRANCE.

The principal item of news found in the Paris papers, is that of the payment of eighteen millions four hundred and sixty thousand six hundred and sixty-six francs, fifty-two centimes, by the French government to Messrs. Rothschild, on account of the American indemnification. Two instalments yet remain to be paid, which will be due, the first February 2, 1837, and the other February 2, 1838.

A grant of 1,200,000 francs for secret service, equivalent to a vote of confidence, was voted in the chamber of deputies, on the 25th March, by the large majority of 152.

The Trocadero, a hundred and twenty gun ship, was destroyed by fire, at Toulon, on the 23d March.

From the London Times of March 28.

The French papers of Friday are again nearly wholly filled with matters relating to the proceedings of the chamber of deputies. A very long and animated debate had arisen on Thursday, on the subject of the supplementary grant for secret service money applied for by the new minister of the interior. Some of the most distinguished speakers, Messrs. Guizot, Odillon Barrot and De Sade, addressed the chamber at great length, the first in favor of, and the two latter against the grant. On the question the respective parties in the chamber seem to have resumed the stations they occupied previous to the late change of ministry, by which change they were for a time, in appearance at least, quite ministerial. The debate, however, was adjourned till Friday, when it was expected to close by a vote in favor of the grant.

In virtue of powers received from the United States government by Messrs. Rothschild & Brothers, of Paris, these gentlemen have applied to the French treasury for the payment of the instalments due, conformably to the convention of 1832, and have received the sum of 18,000.000 francs. The remaining instalments amount to 7,000,000 francs. Thus all remaining doubts as to the possibility of any misunderstanding again arising about the settlement of this long pending suit is removed.

The precise amount paid on account of the American indemnity is 18,460,666f. 52c. There remain yet two instalments to be paid, which will fall due respectively on Feb. 2, 1837, and Feb. 2, 1838. The payment of these instalments will entirely liquidate, with its interest, the debt of 25,000,000, which had well nigh given rise to a collision between France and America.

A rail road between Calais, Paris and Brussels is said to be in contemplation.

A petition signed by the duke of Padua, Massena, prince of Essling, Ney, prince of Moscowa, and several other illustrious names, and praying for the revocation of the law of banishment against the family of Napoleon, has been presented to the chamber of deputies.

SPAIN.

An address expressing the firmest confidence in M. Mendizabal, and signed by more than 500 grandees of Spain, merchants and manufacturers, has been presented to the queen.

The war had been successful, on the part of the queen regent.

A despatch from Madrid, dated March 22, announces that on that day at 3 o'clock, the queen had opened the session of the cortes in person.

The speech from the throne declares that the vote of the electoral law is the only legal means of affecting a revisal of the fundamental institutions of the kingdom and of the principal object of the meeting of the chambers; that other important matters will be laid before them, especially that of the negotiation that is opened with the states of South America.

Madrid enjoys the most perfect tranquillity.

PORTUGAL.

The prince consort of Portugal embarked at Portsmouth (England) for Lisbon, on the 29th March, on board a steam vessel, hired by the Portuguese government, and escorted by a Portuguese frigate which had been lying some time at Portsmouth for the purpose. The marriage was to be solemnized on the 4th April, on which day her majesty would attain her 17th year.

RUSSIA.

Letters from the Russian frontier say that the troops in Bessarabia, having been gradually augmented, now amount to 100,000 men.

AFRICA.

We copy from the letter of the Morning Herald correspondent, the following paragraph, relating to the supposed desire of our [the American] government to obtain a portion of the territory in Africa.

The letter is dated Lisbon, March 19.

I stated to you in a former letter that there is an American squadron expected here to consist of the North Carolina, 90 gun ship, Potomac and United States frigates, John Adams corvette, and two other smaller vessels. On their arrival the commodore is to shift his flag from the Constitution (now in this port) to the North Carolina. The ostensible object for which they come is the protection of their trade in the event of a war with France; but it is believed, upon very solid ground, that the purpose aimed at is far different. The United States government have been long endeavoring to induce the emperor of Morocco to sell one of his ports to them: and in order to put him in good humor, have made him presents at different times amounting altogether to the value of 150,000 dollars. The frequent visits of American ships of war to the Moorish ports, having begun to awaken in the minds of our rulers some suspicion of what was going forward, and it being guessed that England would not fail to throw every obstacle in the way of any arrangement of that nature, the Yankees (it is surmised) have only withdrawn their squadron from the Mediteranean in order to be able to pursue their object in that quarter unobserved, by feigning to have given it up. The emperor it seems, though for a long while reluctant, on the plea that it would displease England, has laterally begun to manifest some disposition to accede to the proposal. The conclusion I drew from the above stated premises was our naval force in this river would be considerably strengthened; and the fact which only came to my knowledge subsequently, that some more ships of the line were in train of equipment in the British ports, appears to corroborate my conjecture.

LATEST FROM FRANCE.

The decree for the payment of the American indemnification was published in the *Bulletin des Louis* on the 2d of April. The following is a translation.

Palace of the Tuileries, March 19, 1636.

Louis Phillippe, king of the French.

By virtue of the law of June 14th, 1835, relating to the treaty concluded on the 4th of July, 1831, between France and the U. States, which authorises the minister of the finances to take the necessary measures for the execution of that treaty, under the condition expressed in the 1st article of the same law;

Considering that the condition has been satisfied, and upon the report of our minister of the finances, we have ordained and do ordain as follows:

Art. 1. Our minister of the finances will cause to be paid to the government of the United States, or to the bearer of its authorization, eighteen millions, four hundred and eighty-six thousand, six hundred and sixty-six francs, fifty-two centimes, being the amount due on the 2d of February, 1836, of the twenty-five millions, the payment of which was stipulated in the treaty of July 4, 1831, as follows:

Sum of the instalments of principal for 1833, 1834, 1835 and 1836, deducting one million on account of the fifteen hundred thousand francs applicable to French claims,	15,666,666fr. 64c.
Interest computed to February 2d, 1836,	2,819,999 88
Total,	18,486,666fr. 52c.

Art. 2. The said sum of 18,486,666 francs 52 centimes, shall be carried to the account of appropriations for 1836, and placed against the extraordinary credit provided by the law of the 15th June, 1835. It will form the subject of a special article in the account of those appropriations.

Art. 3. Future provision will be made for the execution of the 2d article of the law above cited, as regards the million deducted from the amount due to the United States.

(Signed) LOUIS PHILIPPE.

By the king.

The minister of the finances. (Signed) Count D'ARGOUT.

[$350,000 of the indemnity has arrived at New York.]

LATER NEWS.

From Liverpool to the 8th of May.

The French government has issued a decree forbidding the exportation of arms and ammunition from France, except under special license: the object is to prevent Don Carlos from receiving his supplies from that country.

The actual surplus revenue of Great Britain and Ireland, beyond the actual expenditure, for the year ending January 5th, 1836, was $1,620,940 pounds, 4 shillings and 11 pence.

It appears to be well established that Roman Catholic establishments are increasing in number, and that very rapidly in England as well as Ireland. One cause of this is stated to be the breaking up of monastic establishments in Spain and other continental countries.

The king of the French has signed an ordinance removing the incertitude heretofore existing as to the perpetual emancipation of a slave who sets foot upon the soil of France, with the consent of the master. Hitherto it has been claimed that the rights of the master were restored, on the return of the slave to the colony. Now those rights are declared to be gone forever the moment the slave lands in France.

A letter from Rome states that Don Miguel, having offered rudeness to the beautiful princess Aldobrandini Borghese, (formerly Miss Talbot) was challenged by the prince, but refused to fight on the plea of superior rank, and that but for the interference of the pope himself he would have been cudgelled by the indignant husband. The insult was offered in the chapel of the Vatican, during the performance of a solemn religious ceremony.

A memorial of a painful and touching character was presented to the queen of Spain on the 23d of March. It was signed by colonel Don Manuel Fontineras, and stated that his young wife had been shot, with twenty-nine other females, by order of the Carlist chief Cabrera, in revenge for the execution of his mother, shot as a spy.

INDIAN WAR—OFFICIAL ACCOUNTS.

From the Globe.

Despatches from major general Scott, dated April 12, at Tampa Bay, have been received at the adjutant general's office, from which the following extracts are made:

"I have the honor to report, for the information of the secretary of war, and general-in-chief, that I reached this place, with the greater part of the right wing under brigadier general Clinch on the 5th instant. Brigadier general Eustis came in with half of the left wing the same day, and colonel Lindsay, who commands the centre, the day before. This approximation of the greater parts of the three columns was the result of no particular instructions. Each found itself compelled to come in for subsistence.

"The reports of those principal commanders, under me, are herewith enclosed and marked respectively, A, B and C.

"It will be seen that although no general battle has been fought, many combats and sharp affairs have taken place.

"The report states that, so far from the enemy having been beaten, and compelled to sue for peace, on the contrary, 'the small parties which have been met with, almost every where, have fiercely resisted until put in danger of the bayonet. The war, on our part, is, in fact, scarcely begun.'

"The report farther states that the horses, draft, pack and saddle, were much reduced—many broke down on the march, owing to the bad state of roads, hot weather, great loads and indifferent grazing. Sickness, (measles and mumps) had considerably reduced the effective force.

"The general states that colonel Smith, with his Louisiana regiment, was about to proceed to Charlott's harbor and Pease creek. There he is to be joined by a naval officer, and proceeding up the creek, land on the left bank. On the 14th April, colonel Goodwin's mounted South Carolina volunteers, (five hundred strong), were to march from Tampa Bay for the upper part of Pear creek, followed by the foot of general Eustis' wing. The object of the combined movement is 'to strike at the negroes, women, children and warriors, who have settlements on the upper and lower part of the creek, and who are now in security, supposed to be engaged in planting, fishing and hunting.'

"Colonel Lindsay, with a battalion of United States artillery, a company of Georgia mounted men, the Alabama regiment, and an independent company of Louisiana volunteers is, at the same time, to march northwardly, in pursuit of the Indians, as also general Clinch with his command, both by different routes. Colonel Lindsay will enter the forks of the Wythlacoochee, and thence penetrate if practicable, as far as the head of the *cove*, while general Clinch enters it below. Colonel Lindsay is to scour the country, and penetrate the *cove* farther than has heretofore been in the power of troops to do.

"Farther operations of course, will depend upon events not yet developed.

During the recent movement of the several columns, and the various operations of their troops, 13 were killed, and 26 wounded. The number of Indians killed, is supposed to be 24.

"The face of the country interspersed with hammocks, cypress swamps and marshes, almost impenetrable to the white man, presents serious obstacles in the prosecution of a campaign in Florida; and while these fastnesses constitute the natural defence of the wily Indians, they present difficulties almost insurmountable to the ir Indefatigable pursuers.

"399 friendly Indians, (one-third warriors), are reported to be on board the transports, for their destination in the west."

THE FLORIDA CAMPAIGN TERMINATED.

From the Charleston Patriot.

Latest from Florida. Termination of the Indian campaign. Lieutenant Van Buren, aid to general Scott, and captain Finley, aid to general Eustis, arrived here this forenoon from Picolata, via Savannah, in the steam packet Wm. Seabrook, from Savannah. We have conversed with both these gentlemen, who have politely imparted to us all the information they possessed.

Lieutenant Van Buren states that, owing to the commencement of the warm weather, the campaign had been brought to a close. The regular forces had gone into *summer quarters* at St. Augustine. There were supposed to be about 200 on the sick list at Tampa Bay and 70 at Volusia.

Captain Finley has communicated to us the following intelligence:

"The left wing of the army of Florida arrived at Tampa Bay on the 5th of April, left there on the 17th, and marched to Volusia, by Pilaklikaha. The active operations of the campaign have ceased, from the sickly season having commenced. The South Carolina volunteers left Volusia on Friday, 29th, to march to St. Augustine, where col. Brisbane's regiment would be discharged, and sent by transports to this city. Col. Goodwin's mounted men would be discharged at Jacksonville. The regulars, it is believed, will be kept in Florida, to garrison posts which may be important in the commencement of the next campaign. The Indians were no where in any force, and are supposed to be scattered all over the territory."

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

May 6. Several reports from committees were made. The bill providing for the salaries of certain officers and for other purposes, was ordered to a third reading.

The general appropriation bill was further considered. After which the senate spent some time on executive business. Adjourned till Monday.

May 9. Mr. *Webster*, from the committee on finance, reported the act making appropriations for the army for the year 1836, with two amendments.

Which amendments were read and explained by Mr. *Webster*, and the bill read a third time and passed.

Other business being attended to—

Mr. *Preston* rose to present a memorial from a number of citizens assembled in Philadelphia on the affairs of Texas, and recommending an early recognition of the independence of that country.

Mr. *Preston* accompanied the presentation of the petition with some remarks, which produced a debate of much animation and interest, in which Messrs. *Preston*, *Webster*, *Walker*, *Brown*, *Moore*, *Buchanan* and *Shepley* participated.

Mr. *Buchanan* presented other memorials in the course of his remarks; and the whole were laid on the table, and ordered to be printed.

The senate, on motion of Mr. *Benton*, took up the bill from the other house, authorising the president of the United States to accept the services of volunteers, and to raise an additional regiment of dragoons or mounted riflemen.

There was some discussion in reference to this bill, in the course of which the bill was amended so as to authorise the number of volunteers to be raised at 10,000 men, and to confine themselves to repelling Indian invasions.

On motion of Mr. *Preston*, the authority given to the president in these words: "and shall appoint the necessary officers," was amended by adding "above the rank of captain, which appointments shall be submitted to the senate for its advice and approval, at its next session."

Mr. *Swift* moved to recommit the bill.

It was recommitted, and the senate adjourned.

May 10. There was received to-day a message from the president of the U. States, communicating the fact of the payment by France of the due instalments of the sum adjudged to be due to the U. States as indemnity under the late treaty; which was laid on the table.

The amendments made by the house to the naval appropriation bill, were taken up for consideration, and all concurred in without opposition, with an amendment to one of the amendments of the house on the subject of the exploring expedition to the South Seas, striking out such words as give to the president a discretionary power as to sending out the expedition.—The question on striking out the words was taken by yeas and nays, and decided as follows:—yeas 26, nays 3—Messrs. Hill, King, of Geo. and Wright.

Mr. *Clay* moved to suspend the previous orders for the purpose of taking up the bill to carry into effect the convention between the United States and Spain; and the bill being taken up,

The bill being amended, on the motion of Mr. *Clay*, was ordered to a third reading.

Many private bills were disposed of, and then the senate adjourned.

May 11. Mr. *Clay*, from the committee on foreign relations, to which was referred the message of the president of the United States concerning an additional article in the treaty with Mexico, reported a bill to provide for carrying into effect the treaty of limits with the government of Mexico which was read, and ordered to a second reading.

Mr. *Clay* said that the bill was in exact conformity with the former one, and was intended to revive the commission which had expired in consequence of the expiration of the treaty. The committee on foreign relations were desirous that it should pass without delay. There was a peculiar propriety in so passing it, resulting from our existing relations with Mexico. A survey was to be made; and we were endeavoring to ascertain, as precisely as possible, the true boundary line between that country and our own. In the mean time the general commanding our forces in that quarter had taken up a position in or near this disputed territory. Existing circumstances were such as to make it absolutely necessary that proper officers should be authorised to carry out the provisions of the treaty, thereby evincing the sincerity of our intensions, and the fidelity with which we adhered to our engagements.

The bill provided for the services of a commissioner and surveyor, but not for those of a clerk. A provisional appropriation was introduced, however, to pay the salary of such officer, and the executive empowered to appoint him if it was deemed necessary.

The bill was then read a second time, and was ordered to be engrossed for a third reading.

Mr. *Webster*, from the committee on finance, reported a bill from the house, to provide for the defence of the western frontier, with an amendment; which was ordered to be printed.

Much other business having been disposed of—

On motion of Mr. *Benton*, the senate proceeded to the consideration of the bill making appropriations for the erection of fortifications, purchase of sites, &c.

Numerous amendments were proposed and adopted, when, after some remarks, the further consideration of the bill was postponed, and the senate proceeded to executive business, and then adjourned.

May 12. Among other business—

A bill to carry into effect the treaty of boundary with Mexico, &c.;

A bill authorising the enlistment of boys into the navy of the United States; were severally read a third time, and passed.

On motion of Mr. *Clayton*, the senate took up for consideration a bill to extend the western boundary of the state of Missouri to the Missouri river; which was considered, and ordered to be engrossed.

A discussion on the amendments of the fortification bill, occupied the remainder of the day.

HOUSE OF REPRESENTATIVES.

Friday, May 6. Mr. *Cambreleng*, from the committee on ways and means, reported a bill making an appropriation of one million of dollars for the protection of the western frontier, and sent to the chair a letter from the secretary of war, dated the 5th of May, communicating facts in relation to the state of things on that frontier, and urging the necessity of the appropriation called for.

The bill was twice read and committed, and, with the abovementioned letter, ordered to be printed.

Mr. *Craig*, from the committee on public lands, reported a resolution making the bill for the graduation of the price of public lands the special order for Monday next.

Mr. *Vinton* moved to amend the resolution by embracing the bill from the senate for the distribution of the proceeds of the sale of the public lands among the several states.

Mr. *Patton* moved to lay the resolution and amendment on the table. The question was taken by yeas and nays, and there appeared, yeas 91; nays 91.

The *speaker* voting in the affirmative, the resolution was laid on the table.

The house proceeded to the consideration of the "bill for the relief of the corporate cities of the District of Columbia," in pursuance of the special order of the 1st of April.

The amendments made in committee of the whole were concurred in.

Mr. *Wm. B. Shepard* spoke, at length, in support of the bill.

Mr. *Hardin* opposed it, at great length.

Mr. *Mercer* followed in support of the bill.

Mr. *Underwood* made a proposition to the friends of the bill to this effect—that, if they would modify it so as to provide merely for the payment of the Holland loan, and the transfer, unconditionally, of the canal stock to the United States, he and his friends would vote for it, otherwise they would vote against it.

Mr. *Hawes* moved a call of the house. Lost.

Mr. *Mann*, of New York, then renewed the call for the yeas and nays on the final passage of the bill which were ordered, and were as follows:

YEAS—Messrs. Adams, Chilton Allan, H. Allen, Anthony, Ashley, Bailey, Bockee, Borden, Briggs, W. B. Calhoun, G. Chambers, Childs, Cleveland, Corwin, Cramer, Crane, Cushing, Darlington, Denny, Doubleday, Everett, Fairfield, Farlin, Fowler, Fry, jr. Philo C. Fuller, R. Garland, Glascock, Granger, Grennell, Haley, J. Hall, Hamer, Harlan, S. S. Harrison, Hazeltine, Henderson, Heister, Hoar, Hunt, Huntington, Ingersoll, Ingham, W. Jackson, J. Jackson, Janes, Jarvis, Jenifer, R. M. Johnson, Henry Johnson, Kilgore, Kinnard, Klingensmith,

Lane, Laporte, Lay, Leonard, Lincoln, Logan, Love, Lucas, J. Mann, M. Mason, jr. S. Mason, McKennan, McKim, Mercer, Miller, Milligan, Muhlenberg, Page, Patterson, Pettigrew, Phelps, Phillips, Pinckney, Potts, jr. Ripley, Schenk, Wm. B. Shepard, Shinn, Sickles, Slade, Spangler, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, Turner, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, White, E. Whittlesey, T. T. Whittlesey—102.

NAYS—Messrs. Ash, Bean, Beaumont, Boon, Bouldin, Bovee, Brown, Buchanan, Bunch, Bynum, Carr. Carter, Casey, Chapman, Nathaniel H. Claiborne, Clarke, Coffee, Coles, Conner, Cushman, Deberry, Dromgoole, Dunlap, French, Wm. K. Fuller, J. Garland, Gillet, Grantland, Graves, Hardin, Hawes, Haynes, Holsey, Hopkins, Joseph Johnson, Cave Johnson, B. Jones, Lansing, Lawler, L. Lea, Lyon, Abija Mann, Martin, William Mason, Maury, McComas, McKay, McLene, Morris, Owens, Parker, Patton, F. Pierce, Peyton, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, Russell, Seymour, Aug. H. Shepperd, Sprague, Standefer, J. Thomas, Toucey, S. Williams—69.

So the bill was passed.

Mr. *W. B. Shepard* said, as there were a number of other important bills connected with the District of Columbia, he moved that to-morrow be set apart for their consideration.

Mr. *Hoar* suggested Monday.

Mr. *Jarvis* remarked that they had now been in session seven hours, and had appropriated a million and a half of money; and he therefore moved an adjournment, but he withdrew the motion, to enable the speaker to present the following executive communications:

To the senate and house of representatives:

Believing that the act of the 12th of July, 1832, does not enable the executive to carry into effect the recently negotiated additional article to the treaty of limits with Mexico, I herewith transmit to congress copies of that article, that the necessary legislative provisions may be made for its faithful execution on the part of the United States.

(Signed) ANDREW JACKSON.

Washington, 6th May, 1836.

A communication from the secretary of the treasury, transmitting a statement of the amount of the public moneys deposited in the deposite banks, by the several officers thereof, on the public account, on the 1st of April last; which was laid on the table and ordered to be printed.

Also a communication from the same, transmitting a statement of the number of clerks employed in the treasury department; which was also laid on the table and ordered to be printed.

Mr. *Jarvis* then renewed his motion, and the house adjourned.

Saturday, May 7. After a good deal of minor business—

On motion of Mr. *Cambreleng*, the house went into committee of the whole on the state of the union, (Mr. *E. Whittlesey* in the chair), and took up the "bill making an appropriation of one million of dollars for the protection of the western frontier."

The letter of the secretary of war, published in the Intelligencer on Saturday, and the following documents were read:

Quartermaster general's office, Washington city, May 3, 1836.

SIR: The operations on the frontiers of Texas will require large appropriations. I have a requisition on my table for one hundred thousand dollars for that service, and have not a dollar to meet it. I have received a letter from the assistant quarter master at Natchitoches, reporting that he had found great difficulty in obtaining land transportation for five companies. The wagons and horses, as well as mules for packing, must be taken from Ohio, Kentucky or Tennessee. Should the operations be continued through the season on the scale indicated by gen. Gaines' requisitions, a million of dollars will probably be required for the service of this department alone. I have the honor to be, sir, your obedient servant,

TH. S. JESUP, *quartermaster general.*

The hon. *secretary of war, Washington city.*

War department, May 5, 1836.

SIR: In consequence of the intimation contained in your note of this date, I beg leave to observe, that the request for an appropriation of $1,000,000 for the protection of the frontier, in my letter of yesterday, was submitted to, and approved by, the president. Very respectfully your obedient servant,

LEW. CASS.

Hon. *C. C. Cambreleng, chairman com. ways & means H. of R.*

Mr. *Cambreleng* sent to the clerk some further communications from the war department, embracing all the information in possession of the department on the subject; which were read.

Mr. C. also communicated from the secretary of state an account of a convention between Mr. Forsyth and the Mexican minister on the subject of the orders given to gen. Gaines; which was also read.

Mr. C. stated that it appeared from the New York papers that Santa Anna had made an official report of the capture of the Alamo, and demanded an additional force of 5,000 men and 400 officers, and a further supply of money, to carry on the war in Texas.

[A paragraph was read by the clerk from the Courier & Inquirer, making the above statement, and commenting upon it in the strongest language of reproach.]

Some remarks having been made upon the phrase "our Texians," as read by the clerk in the communication of general Gaines.

Mr. *Cambreleng* said it should read "our Texian neighbors," the last word having been accidentally omitted in the copy.

While the paragraph of the newspaper above referred to was being read,

Mr. *Vinton* objected to having the documents of a newspaper read to influence the action of the house; but, by consent, the clerk read on.

Mr. *Storer* called for the reading of a paper referred to by gen. Gaines, which had influenced his opinions, and which ought to be known to the house.

Mr. *Cambreleng* said he had laid before the house all the papers and information in possession of the government, and he had done so that the house might perceive the necessity of acting promptly, and he hoped they would pass the bill that day.

Mr. *Underwood* rose to make a proposition. He thought this a matter of great importance, and wished to understand the subject fully before he acted upon it, in any way. He wished to have an opportunity to read the documents, and was not prepared to act without. He then proposed that the committee should rise, and have the documents printed. He further wished a call upon the secretary of state, for he wanted to know what the Mexican minister said in reply to the remarks of the secretary. It seemed, he said, that the president had authorised, and the commanding general had declared his intention to take up a position within what was heretofore considered the boundary line; and he thought such an act must lead to bloodshed and war.

Mr. *Cambreleng* repeated that he knew it was a matter of importance, and with a view that the committee might act promptly, he had brought the documents to the house.

Mr. *Adams* wished to ask of the chairman of the committee on foreign relations, or of the chairman of the committee of ways and means, whether the report of Santa Anna is in possession of the government, which was commented on by the editor of the newspaper in New York.

Mr. *Cambreleng* said he had no more information than what had been read in the house. His object in bringing the newspaper was to show that the force is not sufficient on that frontier to protect our citizens in case of aggressions either by the Mexicans or Indians.

Mr. *Adams* also wished to know why the remarks of the minister of Mexico were not sent to the house. He wished to know whether it was to be inferred that the Mexican minister, during the conversation, stood mute and said nothing; whether, in fact, there is any thing to communicate. He thought, if there was any thing more, it was important that it should be communicated to the house, and they ought to be in possession of full information. He asked this the more readily, because a most extraordinary power had been given to the commanding general to cross the boundary of a foreign state, and take up a position within their territory; in other words, to make war. And after the communication of this intention had been made to the minister from Mexico, we are not told what answer he made. If he has not assented to the act—if he stood mute—then there is an after consideration of great moment, as to the constitutional power of the president; whether he could authorise a commanding general to march into a foreign country; to commit an act of hostility; to make war, without the consent of congress.

This was the first intimation the house had had of the views of the executive upon this subject of a Texian war, except what was said some days since by the chairman of the committee of ways and means, that the country was already at war upon that frontier, and that gentlemen need not be troubled about a disposition of the surplus funds, for they would all be wanted there. Now, he said, he was not disposed to go into a war with Mexico, or with any other nation, unless in defence of our frontier; but he could see something more than defence in the authority given to the commanding general; it was an invasion of the territory of a government with which we were on terms of amity. If the commanding general has been thus authorised, there ought to be more complete and perfect information before the house. He had said that this was the first day on which any communication had been made of this authority to invade a friendly territory, or of the difficulties between this state and Mexico; and he asked if it was not fitting and proper, when the house was called upon to declare war, that it should be informed how the cause arose.

Have we not, (he asked), seen American citizens going from all parts of the country to carry on the war of this province against the united government of Mexico? Who were those who fell at Alamo? Who are now fighting under the command of the hero of Texian fame? And have we not been called upon in this house to recognise Texian independence? It seems that gen. Gaines considers this a war in defence of "*our Texians.*"

Mr. *Cambreleng* explained that the word neighbors was left out.

Mr. *Adams* said he understood it. This was, he continued, an intention to conquer Texas, to re-establish that slavery which had been abolished by the United Mexican States. If that was the case, and we were to be drawn into an acknowledgement of their independence, and then, by that preliminary act, by that acknowledgment, if we were upon their applica-

tion, to admit Texas to become a part of the United States, then the house ought to be informed of it.

He should be for no such war, nor for making any such addition to our territory. Taking it altogether, it was very important that this and the other house of congress should have all the information that could be given upon the subject; and that report of Santa Anna, which was described in a New York paper, not in the language of the governor of Mexico, but in the comments and insinuations of an editor, ought to be before the house. Why, said he, there is in New York a high and confidential officer of the government of the United States, who has called upon the people to go and enter Texas; and to aid in carrying on the war against the government of Mexico. To be sure, this is contrary to the order of the president to the commanding general. He has directed him to preserve strict neutrality; and he, (Mr. *Adams*), would have been glad if the other parts of the instruction had been consistent with that.

He hoped congress would take care to go into no war for the re-establishment of slavery when it had been abolished; that they would go into no war in behalf of "our Texians," or "our Texian neighbors," that word was quite enough; and that they would go into no war with a foreign power, without other cause than the acquisition of territory.

Mr. *Peyton* said he had heard with no less astonishment than deep mortification, the remarks of the gentleman from Massachusetts. He thought it strange, that now, while we hear of danger to our frontier from savages and a Mexican army no less barbarous, that the gentleman should have introduced the subject of slavery into the discussion. He should have thought he might have held his hand for a moment until some means could be provided for defending the helpless women and children of the Texian frontier from the most horrible butcheries. The gentleman, (Mr. *Adams*), had seen great cause of alarm in the power conferred on the commanding general to take up a position suitable for defence. Sir, (said Mr. P.) that gentleman does not know, living, as he does, far from such scenes, the vivid feeling of southern and western men, when they see hostile savages hovering around their villages, and lying in ambush, to murder the old and the young, both by stratagem and in open fight. All the power granted was to take up a position on either side of the line, as might be necessary; and, he asked, is an imaginary line to be so much respected in a time of peace, when a most unmerciful tyrant, at the head of an army of savages, threatened our frontier? What respect would he have for that line, when pursuing the conquered Texians, and taking vengeance upon all he could reach? And it is when we hear this news of savage warfare, when our people are driven from their villages, which are burnt, and when they are caught and butchered—it is in this emergency, that the gentleman from Massachusetts wanted to stop to ask what the Mexican minister might think of it. He, (Mr. P.) in such a case would not stop to ask what any minister might think of it. He would defend the people instantly, and at every hazard. On our side of the line, he remarked there might be no proper position for an efficient defence; but on the other the fort may be impregnable, and its possession might afford certain security to the frontier. The gentleman says, if the commanding general goes there, it will be making war upon a sister republic. He did not so understand it.

Mr. *Hamer* remarked that the whole tract in which the fort of Nacogdoches stood was in dispute; and there was a clause in the instructions of the president, that gen. Gaines should, in no case, go beyond the line, which we claim to be the true line.

The clause having been read,

Mr. *Bell* said, if the house was not prepared now to act fully upon the subject, the most strict course would be to grant what was recommended on the responsibility of the executive. In addition to the clause which directed the commanding general not to cross the line we claim to be the true one, he was directed, if the commissioners now acting should decide that Nacogdoches was not in our territory, immediately to recede. He considered it not proper now, or at any time, to discuss the question introduced by the gentleman from Massachusetts; and he hoped that exciting topic would be left out of consideration. They had not, he remarked, any positive information of the commencement of hostilities; but it was known that agents were at work among the Indians who might excite them to hostilities; should that take place, we have no sufficient armament to protect the frontier, or prevent their encroachments even to the Mississippi; and he would ask if it was proper, under such circumstances of alarm, to stand quietly by and refuse to put at the control of the president the sum of a million for necessary security? Or should any man stop now to discuss the question of slavery, or of addition to our territory, when the cause of humanity calls for prompt relief?

It would seem proper, before any final decision of the question involved in the subject, that the house should have more full information; but that could be had hereafter; and now he was willing to put a proper supply at the control of the executive, to enable him to meet any expected emergency.

Mr. *Thompson*, of South Carolina, said that now general Gaines had no proper force or supplies to resist the threatened depredations upon our frontiers; and he asked if the house could hesitate about making an appropriation, or about making it on the instant? This was a subject, he said, upon which he felt much excited, for he was aware of the extreme peril of the frontier settlements.

Mr. T. had received information from a gentleman of high character, just returned from a residence of some months in Mexico, that the prospect of a war with this country was the most common topic of conversation; that Mexican officers of high standing habitually talked of the easy conquest of Louisiana; that nothing more was necessary than to approach the confines of that state, and proclaim emancipation, and that the work would be accomplished by the insurrectionary slaves. Santa Anna is now within two days of Natchitoches, thence to New Orleans only two more. Let him siege our army in the arsenal at Baton Rouge, and excite and arm the slaves, and what scenes of horror and atrocity may not be looked for. He would not envy any man his feelings who should, under all these circumstances, refuse to take all proper measures for the security of our frontier. He desired to protect the southern frontier from the combined atrocity of a Spanish, Indian, and African army.

Mr. T. alluded to the most inopportunate introduction into this debate of the subject of slavery, by the gentleman from Massachusetts; a subject always exciting beyond any other. He asked if the gentleman thought it wise or safe to refuse the proper aid and protection to the country, because it might lead to an addition to the political power of the slave states. That gentleman had negotiated away Texas—it was natural that he should be disposed to guaranty the peaceable enjoyment of what he had conveyed. It was said at the time that treaty was made, by the enemies of that gentleman, that a leading motive for ceding to Spain this valuable territory was to prevent the addition which it would make to the slaveholding interest. Mr. T. had not joined in those charges, but he regretted that the gentleman, by his avowal to-day, should have furnished such strong evidence of the existence of such feelings on his part.

Mr. *Adams* said this was not the first time since he had had the honor of a seat in this house, nor the first time this session, that when he had made any remarks, his observations were not answered by a replication to his arguments, but by personal attacks upon him, the individual. The rules of the house was, that gentlemen should confine themselves to the question before it, and not indulge in personalities. He had heretofore sat in silence and heard these attacks, for the reasons that though he had a right to occupy the attention of the house upon the business before it, he had no right to occupy it for himself.

Gentlemen seemed to infer, from what he had said, that he was going to oppose the appropriation. He had not said so. He wanted more information. When we found ourselves involved in war, as if a thunderbolt had fallen from a clear sky, he wanted to know the cause of it; and when he had asked a question of the chairman of the committee of ways and means, he was answered by a personal attack. The gentleman, (Mr. *Thompson*) says (while the Mexican minister is residing here under the hospitality of our country, and secure by the laws of nations), that he is an able man, and a great intriguer; and that he is intriguing against the United States. Was that proper? asked Mr. *Adams*; or was it an answer to his inquiry, why the Mexican minister's answers were not given by the secretary of state? Another gentlemen, (Mr. *Peyton*) gives a very pathetic picture of the distresses of the people on the frontier; but that was not an answer to a call for information. He (Mr. A.) would vote for millions upon millions, as much as that gentleman; he would pour out the whole treasury, if it were necessary for the defence of that frontier; but he wanted to know why he was called upon to do it, and to have all the requisite information. He had objected to the order to the commanding general, which authorised him to invade the territory of a friendly government; and it was no answer to say that it was a disputed boundary. By the laws of nations every thing in dispute must, during a contest, remain *in statu quo;* and any act taking possession of the disputed territory is an act of hostility.

Mr. *Adams* then adverted to the intimation that he had negotiated so as to exclude Texas from our border, with a view to the abolition of slavery; and he would tell the gentleman, (Mr. *Thompson*), a little of the history of that transaction. When he negotiated the treaty settling the boundary between the United States and Mexico, he acted by the instruction of Mr. Monroe; and nothing was done, not a line of the treaty written, but in accordance with the directions of James Monroe. And he, (Mr. *Adams*) was the last man in the cabinet who assented to the treaty, with the boundary as now established. He was for including Texas; and was the last member of the cabinet, he would repeat, who assented to the treaty with the present boundary in it. And he would further inform the gentleman that, by direction of James Monroe, before the treaty was signed, he (Mr. A) took it to general Jackson, he being then in this city, and asked him if it ought to be signed with that boundary, and he said yes. General Jackson had the treaty before him with that boundary, and approved of it; and he (Mr. A.) did at last, and reluctantly, assent to it. He then asked if the gentleman's insinuations were answered?

Mr. *Thompson* was glad that he had given the gentleman (Mr. *Adams*) an opportunity of setting himself right before the country on a subject upon which injustice has certainly been done him. Mr. T. disclaimed the slightest intentional disrespect to the Mexican minister. He was incapable of such a violation of courtesy and decorum. He had always heard that the Mexican minister was a man of high character and great ability, and he meant the term intriguer in no disparaging

sense: all diplomatists were more or less so. He was sure the Mexican minister was a faithful and able representative of the interests of his country.

Mr. *Ripley* made a detailed statement of the condition of the country and the state of the frontier. He said that, by the treaty, the boundary commenced at the mouth of the Sabine river, on the Gulf of Mexico, and that river formed the line of boundary, till it came to the latitude 32 deg. when the line was to run north to the Red river. Since the formation of the treaty, a dispute had arisen as to which of the two branches of the Sabine was the true line. The one running to the south included the fort of Nacogdoches; but if the northern branch should be decided the true one, it would leave that fort in the Mexican territory. Then, the line from the Sabine to the Red river had not been run, and was now merely an imaginary line.

The debate continued, Mr. *Reed* was unwilling to assume the Texian war, though ready to defend our own country. He would not trust the power to make war in the hands of gen. Gaines—he had no confidence in him. He wished for time to investigate the documents and gather information. Mr. *Williams* went into a statement of the cruel and inhuman conduct of Santa Anna towards the Texians whom he had conquered, and insisted upon the duty of this government to provide adequate forces to defend the frontier, and upon any aggression on the part of the Mexican commander, to conquer his forces and cut off his head. He would not hesitate, upon the slightest possible pretext, to enter the territory of Mexico, and separate Santa Anna's head from his body. Mr. *Garland*, of Louisiana, said he did not want any war of aggression; and he would call upon the house not to take any steps that would endanger the safety of the people of the frontier settlements hereafter. The frontier should be defended now, but, if ill blood was roused, they would be liable hereafter to constant attacks. His home, where he had lived for many years, was near the Sabine river, and the very first act of hostility or aggression upon our part would bring ruin upon his own home. If the course proposed, of entering the territory of Mexico, was adopted, there will be a war at once; and he should not remain here to give his aid, however humble, to the councils of the nation, for he had a higher and more imperative duty to perform. A newspaper had been read, the editor of which was deeply engaged as the organ and agent of the Texian land company. The house ought not to be led away by any such appeals to the interests or passions of the people. He would charge gentlemen not to carry out the Quixotic notions of these land speculators, who were not engaged in promoting the cause of constitutional liberty, but in land speculations of a selfish character. He religiously believed that speculations in land engaged their attention as deeply as any desire to establish constitutional liberty. He would warn gentlemen again against these exciting efforts of interested editors; for this house ought not to countenance or encouruge such Quixotic undertakings. In relation to the cruelties said to have been perpetrated by Santa Anna, he remarked that it was not the duty of this government to punish all acts of barbarity; if it were, they might have found enough to do in the Mexican revolution of 1811. He thought a proper defence should be established, and a strict neutrality observed, or the whole order would be deluged in blood. Mr. *J. Y. Mason* made some remarks in vindication of the course proposed to be pursued by the executive, in relation to the defence of the frontier, and went into a statement of the existing relations between the United States and Mexico, with a view to show that the instructions to general Gaines were not inconsistent with the terms of the treaty between the two governments. Under the treaty, the two contracting parties were bound to restrain from hostilities the Indian tribes within their respective limits. One of our most distinguished officers, a man of known prudence and discretion, states that the case is about to arise for exerting the restraining power imposed on each party. He states that the discontented spirits among the Camanches are about to be incited to hostilities, which we were bound to prevent. He goes further, and states that if the Indian tribes make an incursion into Texas, and join in the hostilities there, great danger will ensue to the citizens of the United States on our frontier. What was the government to do? Every gentleman who had spoken agreed that the appropriation ought to be granted in order to enable the executive to take precautionary measures. Mr. *Underwood* was not alarmed by the insinuations of want of patriotism which were thrown out against those who wished to act deliberately on this momentous question. He was not eager to involve this country in a long, expensive, and bloody war. If one thousand men, well appointed and equipped, could effect as much mischief on our borders as the gentleman from Louisiana (Mr. *Ripley*) says they can, and if the Mexican minister here is as shrewd and vigilant as he is represented to be, Santa Anna will soon be advised to act accordingly. If gen. Gaines went into the recognized territory of Mexico with his forces, what was he to do when he got there? Will he say to the Mexicans, I have only come to keep the peace? Whatever he may say, will not the Mexicans order him to go back forthwith? Will he then retire? No: his communications show the spirit and feeling which will govern his course in regard to any Mexican force or authority which he might encounter. His language was hardly less exceptionable than that of his colleague, (Mr. *Williams*), who talked of cutting off Santa Anna's head. He was sorry to hear language of that kind applied, on this floor, to the head of a republic on terms of amity with us. It had a direct effect to create feelings unfavorable to peace and friendship. Should a conflict take place between gen. Gaines and the Mexican force, what consequences might not ensue? He did not believe that Santa Anna could reach New Orleans, nor even the Mississippi; but he believed that a war would follow which would devastate the frontier, and deluge it in blood. He looked upon the course proposed by the instructions as a violation of the treaty. It commanded the general to make war in order to prevent an invasion of our territory. It violated the treaty on pretence of an intended violation of our neutrality. Ought we not to remonstrate first against any encroachments on our rights? Mr. *Johnson*, of Louisiana, after some preliminary remarks said—in voting for the bill he was not influenced by the accounts contained in the New York paper, so freely commented on, nor was he influenced by the proceedings of the public meetings held in different parts of the union in favor of the Texians, which had been alluded to, or by the sympathy he felt, in common with the whole American people, for the brave men, and helpless women and children, who have been basely butchered, as is believed, by a ruthless tyrant, contrary to the usages of civilized warfare. He acted from information entitled to the highest respect, and should vote for the bill because it contained an appropriation to pay the necessary expenses of the troops now actually employed on our western frontier, and of the militia, called for from several of the states, to aid in checking any hostile incursions of the Indians on that frontier, and in order to preserve the neutrality of the United States. Could any man view the present state of things on the western borders of Louisiana, and contemplate the events daily transpiring in the neighborhood, and not believe that a strong military force should promptly be placed there by our government.

It would be recollected, (said Mr. J.) that in addition to the numerous warlike tribes of Indians residing west of Louisiana, Arkansas and Missouri, a large body of Indians had been recently removed (by the policy of our government) from the east side of the Mississippi, and located on the western borders of Louisiana and Arkansas, who have been for some time in a restless state, and evidently dissatisfied with their situation. To keep them in check, and to prevent them from committing hostilities within our limits, and of waging war among themselves, a large military force, in his opinion, would be constantly required on our western frontier. But at this moment, when all the tribes alluded to are greatly excited, and when we have the strongest reasons to believe, from information received from different sources, that Santa Anna has, in violation of the treaty existing between the United States and Mexico, actually engaged those Indians to aid him in the war he is now waging in Texas, is it possible for any man not to believe that the people of Louisiana and Arkansas are not at this moment in imminent peril? Indeed, he apprehended, that a force of from ten to twenty thousand men might be immediately required on that exposed frontier, not to make war against Mexico, but to protect American citizens, and to defend our own country. * * * * * * *

Are we not called upon then (said Mr. J.) by every consideration of duty and patriotism, to pass this bill, and to pass it promptly? With respect to the people of Texas he had but little to say. He thought, however, that great injustice had been done to them. No doubt many unworthy men had emigrated to that country, some of whom perhaps had fled from their own country. All new countries had been settled in the same way. But that many gentlemen of talents, wealth and of high respectability of character had been induced to settle in that country, is as certain. They had been invited there under the establishment of liberal institutions, but in fighting to maintain them they had evinced a courage and patriotism worthy any age or country. The progress of the war in that country, marked as it is by a spirit of the most ferocious and sanguinary barbarity on the part of the Mexican commander, must shock every man of common humanity. Was it not natural then that the sufferings of the people of that country should excite the sympathy of those of the United States?

Mr. *Sutherland* thought this a proper precautionary measure. He was averse to any war of aggression, but there was certainly danger of disturbances on our borders, if they had not already taken place; and while such dangers existed, he should be willing to afford the means of defence and protection to the frontier settlements.

Mr. *Cumbreleng* expressed his surprise that, after all the efforts that had been made by the government to preserve a strict neutrality, and to prevent, even, our citizens from taking a voluntary part in the contest, it should be said that it was the endeavor of the executive to produce a war.

Mr. *Mason*, of Ohio, made some remarks, at length, upon the impropriety of being excited by the cry of war which had been set up all over the country; and especially by the newspaper paragraph which had been read, coming, as it did, from an incendiary paper, for there were more incendiary papers than one, and on more than one subject, and he considered the paper which was read of that character.

He spoke of the necessity of having further documents before any course of action was determined upon. He did not put confidence in the rumors and stories which were circulated by interested speculators: but he thought it all had some remote connexion with the distribution of the public funds. He had voted for other bills of defence, especially that for defending

the frontier of Missouri, but he must stop somewhere, and he had determined not to vote for this bill.

Mr. *Bynum* made some remarks at length in opposition to the idea that there was no urgent necessity for action upon this subject. He said he was sorry to be a member of an American congress when such sentiments were uttered; and went on to show the great danger to the frontier settlements from the present state of hostilities, and the immediate necessity of passing the bill.

After a few observations from Mr. *Graves* in favor of deliberate action upon this subject, an amendment having been offered providing that the funds should be applied by the secretary of the treasury under the several acts of 1795 and 1832.

Mr. *Ashley* suggested that it would be better to provide for the disbursement of the appropriation under the act passed a few days since, which made better provisions for the pay of the militia and volunteers. He had not intended, he said, to make any remarks upon this bill; but if he had been opposed to it, he thought the arguments of its opponents would have induced him to vote in its favor. He thought it a safe precautionary measure, which ought to be adopted without delay.

The question was taken on the amendment, and it was adopted without a division.

The committee then rose, and reported the bill to the house, with an amendment, which was concurred in.

Mr. *Wise* requested leave to explain his reasons for voting in favor of the bill. He said there were current rumors of dangerous disturbances on the boundary of Texas, and he thought the people should be protected on that frontier. There was also rumors and fears that Santa Anna had been sending agents to excite the Indians to warlike movements, and they would not, if once excited to action, recognize or respect either side of an imaginary boundary, but would as soon wield the tomahawk or take a scalp upon one side of the line as the other; and it was known that the people of the frontier settlements were fleeing in terror. He hoped the authority given to general Gaines would be so exercised as not to disturb the harmony between this government and Mexico; and as a measure of prudence and precaution, he was willing to vote for the appropriation.

The question upon ordering the bill to a third reading, having been taken by yeas and nays, was then put and decided in the affirmative—ayes 146, noes 3.

After which the bill was read a third time and passed, when the house adjourned.

[A variety of documents, in relation to Texas, were submitted this day, which *must* lie over until next week, when a record shall be made of them.]

Monday, May 9.—By unanimous consent, Mr. *Everett* offered the following resolution; which lies over one day:

Resolved, That the president of the United States be requested to communicate to this house, if, in his opinion, it shall not be incompatible with the public interest, the instructions which have been transmitted from time to time, since the 1st day of January, 1835, to the representative of the United States at the government of Mexico, relative to the boundaries between the two nations, and relative to the setting on foot military expeditions by citizens of the United States against the Mexican province of Texas, and relative to the military occupation or contemplated occupation, under the authority of the president, of any post or place within the said province of Texas; and all correspondence and communications which have passed, at Washington or at Mexico, between the two governments, respecting the same; and all information in possession of the executive respecting the same. And, also, that the president be requested to communicate to this house all orders and instructions issued to the military or other officers of the United States, or of the states, relative to the defence of the western frontier, and all correspondence between them and the government respecting the same.

The unfinished business of last Monday, being the preamble and resolutions of the legislature of Kentucky in favor of the distribution of the proceeds of the sales of the public lands among the several states, was taken up.

The question being on the motion of Mr. *Williams*, of Kentucky, to commit the same to the committee of ways and means, with instructions to report a bill in conformity with the resolutions, and Mr. *Williams* being entitled to the floor,

Mr. *Graves* asked his colleague to give way for a moment to enable him to notice a charge that had been made against himself in the Globe of this morning.

Mr. *Williams* yielded the floor, and,

Mr. *Boon* rose to a point of order. He wished to know whether the gentleman from Kentucky (Mr. *Williams*) had not lost his right to the floor.

The *speaker* replied that if any objection was made, the gentleman could not resume the floor, after yielding it.

Mr. *Williams* said if that was the case he would not yield the floor, and proceeded with his remarks.

Mr. *Boon* followed in opposition to the motion.

Mr. *Graves* took the floor, and the special order was then called for.

The house resumed the consideration of the bill making appropriation for the naval service of the United States for the year 1836, which had been returned from the senate with amendments, and acted on in committee of the whole.

The question being on concurring with the committee of the whole in the following amendment to the senate's amendment, providing for an exploring expedition to the South Seas;

A long debate followed, in which Messrs. *Patton*, *Hamer*, *Reed*, *Hawes*, *Phillips* and *Sutherland* took part.

Mr. *Cambreleng* begged the house not to postpone any longer a decision of the question. He said he was not opposed to the expedition, but he was sorry the senate had proposed it as an amendment to the navy appropriation bill. The senate's amendment had already postponed the passage of the bill a month, and he hoped the amendment would be either accepted or rejected at once.

On motion of Mr. *Hawes*, the yeas and nays were ordered on the adoption of the amendment; and the question being taken, it was decided in the affirmative—yeas 92, nays 68.

On motion of Mr. *Cambreleng*, the house then resolved itself into a committee of the whole, for the purpose of considering the bill making appropriations for the support of the army for the year 1836, returned from the senate with amendments.

The amendments were concurred in.

On motion of Mr. *Mercer*, the bill to authorise the Shenandoah Bridge company to erect a bridge over that river at Harper's Ferry, was taken up and passed.

The house then adjourned.

Tuesday, May 10. Mr. *J. Q. Adams*, by general consent, made some statements in relation to the article which appeared this morning in the Globe, on the subject of his declaration that the Florida treaty, with the present boundary between the United States and Mexico, was submitted to general Jackson and approved by him.

Mr. *Adams* repeated, in substance, that he was himself opposed to the relinquishment of Texas, and that no other man in the cabinet of Mr. *Monroe* sustained him. He negotiated the treaty with Don *Onis*, under the immediate direction of the president, (Mr. *Monroe*) and never exchanged any communications with that minister which Mr. Monroe did not see. He (Mr. A.) was the last man in the administration who assented to the treaty. The treaty was concluded on the 22d of July, 1819. At that time general Jackson was in the city, attending the proceedings of congress on the Seminole question. After the treaty had been agreed to, and before it was signed, Mr. Monroe requested him (Mr. Adams) to submit it to general Jackson and obtain his opinion upon it. It was accordingly submitted to him, not as a military commander, but as a distinguished citizen. He called upon general Jackson at the hotel then kept by Strother, now Fuller's, and handed him the treaty, directing his attention particularly to the boundary. General Jackson kept it a day or two, and then returned it with his approbation.

The senate bill to distribute the proceeds of the sale of the public lands among the several states was read twice, by its title, and Mr. *Williams*, of Ky. moved that it be referred to the committee of the whole on the state of the union.

Mr. *Gillett* moved its reference to the committee on finance.

Mr. *Carr* moved its reference to the committee on public lands.

The subject was debated till 1 o'clock, when the special order was called for.

Mr. *Morris* moved to suspend the rules for the purpose of continuing the consideration of the above subject, and thereupon he asked the yeas and nays.

Mr. *Adams* suggested that it would be better not to take the yeas and nays, lest it should appear that there was no quorum. For what reason so large a portion of the house was absent he could not say; perhaps it was because the business before the house was so unimportant.

[N. B. The members had adjourned informally to the race field.]

The call for the yeas and nays was withdrawn and the motion was rejected.

The following message was received from the president of the United States, by the hand of Asbury Dickens, esq. and read:

Washington, May 10, 1836.

To the senate and house of representatives:

Information has been received at the treasury department that the four instalments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of our controversy with France, I feel assured that both houses of congress will unite with me in desiring and believing that the anticipations of a restoration of the ancient cordial relations between the two countries, expressed in my former messages on this subject, will be speedily realized. No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

ANDREW JACKSON.

The fortification bill was taken up, and considered. The amendments of the senate to the navy bill were concurred in. And the house adjourned.

Wednesday, May 11. Mr. *W. Jackson*, of Massachusetts, from the committee on roads and canals, reported the following joint resolution:

Resolved by the senate and house of representatives of the U. States of America in congress assembled, That the secretary of the navy be authorised and requested to cause an experiment to be made for the purpose of ascertaining the practicability of applying steam power to the navigation of canals, pursuant to a plan invented by Dr. Plantou, provided he deems the same expedient; and that four thousand dollars be, and the same is hereby, appropriated therefor, out of any money in the treasury not otherwise appropriated.

A great deal of minor business being attended to—

The house resumed, as the unfinished business of yesterday, the consideration of the motions pending in relation to the reference of the bill from the senate for the distribution of the proceeds of the sale of the public lands among the several states.

The bill was debated—but the house passed to the special order of the day, the fortification bill.

The question being on the motion of Mr. *Cambreleng* to amend the bill by inserting a clause making an additional appropriation of $700,000 for the armament of the fortifications—

Mr. *Townes*, who was entitled to the floor, rose and addressed the committee about two hours, on the various topics heretofore brought into the debate. He maintained that the amount of the surplus revenue had been greatly overrated; that the public lands, as had, he said, been before confidently stated by the honorable gentleman from Tennessee, (Mr. *Bell*), would not, hereafter, yield more than a million of dollars annually; and that the state of things on the southern and western frontier, and the general condition of Europe, admonished us to reserve whatever surplus we might have, whether it was ten or twenty millions, for the great purpose of national defence. He adverted to several of the political topics heretofore discussed in the committee, compared the merits of the different candidates for the presidency, and vindicated the present administration from some of the charges brought against it. The proscriptive policy was, he undertook to show, established and acted upon, in the administration preceding that of general Jackson, and before that time, while general Jackson's immediate predecessor was in the office of secretary of state. He adverted, particularly, to some transfers of public printing made by that secretary of state.

Mr. *Adams* rose to explain. He said he had never, while he acted as secretary of state, made a single change of a public printer from political causes. While he was before the country as a candidate for the presidency, there were many of the printers of the laws, who were as much opposed to him as any editor could be to any candidate; but he never changed one of them from any political motive. He did make one change at gen. Jackson's personal suggestion; though, whether gen. J. would *recollect* it or not, he could not tell. It was in the case of an editor at Nashville; and when gen. Jackson and his colleague in the senate came and personally requested it as a favor, for it was supposed the editor was favorable to gen. Jackson, he did make the transfer; but it was without knowing either of the editors. The motive for this change was afterwards the subject of much misconstruction. He did not mean to charge the present or any secretary of state with political motives in relation to changes of this kind; but he did mean to say, that he did not remove one printer while he was secretary of state for political considerations; and further, that while he held a more elevated situation, he never removed one person from office for political causes; and that, he believed, was one among the principal reasons why he was not more successful as a candidate for a second election.

Mr. *Townes* resumed, and spoke till after 3 o'clock.

Mr. *French* took the floor, and expressed a wish to address the committee on the subject.

On motion, the committee then rose, and the house then adjourned.

Thursday, May 12. Statements were made by Mr. *Rice Garland* and *John Q. Adams* relative to mistakes, or misrepresentations, made by the reporters for distant papers.

Mr. *Haynes* moved the suspension of the rules for the purpose of taking up the joint resolution of the senate, fixing a day (the 23d of May) for the adjournment of the present session of congress.

Mr. *Mann*, of New York, asked the yeas and nays on the motion, and they were ordered.

The question being taken, it was decided in the negative—yeas 82, nays 107.

The house resumed the consideration of the motions pending in relation to the reference of the bill from the senate, "providing for the distribution, for a limited time, of the proceeds of the sales of the public lands"—and it was further discussed.

The fortification bill came up, in its course, and was further considered.

RAFT OF THE RED RIVER.

Report of the chief engineer, to the war department, on the removal of the raft in Red River.

Engineer department, February 20, 1836.

SIR: I have the honor to hand you, herewith, in duplicate, a communication from captain Shreve, of the 18th ult. relating to the removal of the raft in Red River, which is submitted in continuation of his report on the same subject, transmitted to congress by the president, with his message at the opening of the present session.

I am, very respectfully, sir, your most obedient servant,

C. GRATIOT.

The hon. Lewis Cass, secretary of war.

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Steamer "Java," great raft of Red River, Jan. 18, 1836.

SIR: I have to inform the department that I arrived at the "raft," on the 2d inst. where the force now employed had been at work since the 7th ult. Since my arrival here, I have made an examination of the entire remainder of the raft, and have had in my power to make more minute observations than I had hitherto been able to do, the water being lower than it was last spring. After I had reached the upper section of the raft, I find it to be from where I left off work last year, to Benwares bayou, six miles, and the distance between Coates and Benwares bayou, to be fifteen miles instead of twelve, as stated in my report of the first of July last; from Benwares bayou to Willow chute ten miles, from thence to the head of the raft, seventeen miles; the raft having accumulated since last May about five miles. The very unusual high stage of the water in Red River, in September and October last, brought down treble the quantity of timber that usually drifts in its annual freshets.

On the arrival of the boats at the raft where the operations were closed on the 25th May last, nine miles above Soda bayou, the water was found to be flowing upon the river from the mouth of Soda bayou to Benwares bayou, a distance of fifteen miles. This was caused by so great a quantity of the water from the river being forced out over its banks, and through the numerous bayous above the raft, and passing down the Cado lake and Sodo bayou into the river below, that its bed was filled at the mouth of that bayou to a greater elevation than at the mouth of Benwares bayou, consequently the water seeking its level, a portion of it flowed the old bed of the river, and escaped through Benwares bayou. This circumstance has made it impracticable to pass any timber down from the raft.

The whole six miles of raft up to Benwares bayou, has been loosened from its bed and nearly all cut short by saws. In that distance, one and a half miles below Benwares bayou, there was a mass of timber which filled the whole bed of the river for several hundred feet, solid to the bottom, leaving but small spaces for the water to pass between the logs. A part of that timber was cut away last spring, but when the steamboat Souvenir arrived at that point, it was found impossible to find water to pass a small boat over.

It has required the labor of one hundred and twenty men and one steamboat, sixteen days, and will yet require the aid of thirty men with a crab, (which I have caused to be erected on the shore) to haul out the logs that will not float, six days longer.

This day 90 men with one steamboat will begin to pass the raft into Benwares bayou, and by filling it with timber, will, in a few days, give a current down the old bed of the river sufficient to carry off the raft below.

The fifteen miles between the two bayous above named, has been more difficult to remove, and has cost more labor, than sixty miles below.

The next ten miles will be difficult but not by any means so much so as the last fifteen miles. From the Willow chute to the head of the raft, the quantity of timber is greater but the river is wider, and no compact masses of timber is to be found in that part of the raft.

The department may calculate on my completing the whole of the work, that is the removal of the raft so as to open a navigation for steamboats, by the 25th of May next, unless prevented by some unforseen calamity among my men.

After the raft is removed and a good navigation has been opened, I am of opinion that for several years, say five at least, it will be necessary to keep a boat in the river so constructed as to be able to raise and remove any snag that may make its appearance in the river, either from the timber that will rise from the old bed of the river, or from trees that fall in from its banks; and keep the river clear from raft that will be liable to lodge and make in its bed, until the channel is worked out to its original size by the action of the water, which will require from five to ten years. Such a boat would cost the government about $15,000; to keep her at work eight months in each year will cost about an equal sum. I would, therefore, recommend the appropriation of a further sum of thirty thousand dollars, and above the forty thousand dollars, which I have estimated for this year's work. The department may rely on the necessity of such an appropriation and expenditure being indispensable to effect the design of the government, and that without it, the people will not have confidence in the permanency of the work, and will not pay so high a price for the lands when offered for sale by three times the amount it will require to keep the raft open on the plan I have proposed.

I view it as the most economical plan that can be pursued by the government to make immediate provisions for keeping the river open after the raft is out.

As far as the work has progressed, the navigation is good, and the land on the banks of the river in the immediate vicinity, worth at least five times the amount of the whole expenditure, over and above any value that they would have had without the removal of the raft.

This is a great speculation to the government, without taking into consideration the immense tract of first rate land that bounds on the river for six hundred miles above the raft, every acre of which is equally benefitted by the improvement when it is completed.

I have to inform you that no communication has been received by me from the department since I left Louisville, Ky. on the 26th of November last. I hope, however, that the funds for which I estimated about that date, is at Natchitoches. The department will please inform me as early as practicable, of the passage of a bill making appropriation for the continuance of the work for the present year.

I must also inform you that no account of expenses for any of the western rivers, can be made out by me for the last quar-

ter, as my location makes it utterly out of my power, correctly, to attend to such parts of my duty, as is required to furnish the regular quarterly accounts. However the interest of the government does not suffer, in the smallest degree, by such delays of time.

I am, sir, very respectfully, your most obedient servant,
HENRY M. SHREVE, *superintendent, &c.*
Brig. gen. Charles Gratiot, chief engineer, Washington.

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THE RED RIVER RAFT.

Extract of a letter from capt. Henry M. Shreve, dated Red River raft, 20th March, 1836.

I had hoped to have seen you or lieut. Bowman in the raft ere this, as an examining officer. I am getting on with the removal of the raft slowly. I find a much more difficult task to perform than I had anticipated. The fact is, the work is of such a nature, as to make it impossible to judge of the amount of labor required to perform any given portion of it, until after it has been done; but as I progress up, I leave behind a good steamboat navigation. Two old boats have been sunk in the raft, but neither of them fit to navigate, from age and decay, and come up with emigrants. Fifteen boats have been up through the former location of the raft 115 miles since the first of January, and the emigration of the country is immense.

I am, sir, very respectfully, your obedient servant,
H. M. SHREVE, *superintendent, &c.*
L. G. Dutton, U. S. engineer, Washington, D. C.

DEBATE IN THE SENATE,

WEDNESDAY, MAY 4,

On an amendment offered by Mr. Benton to a bill to increase the army.

Mr. *Linn* expressed his hope that the bill would be taken up at once for consideration, as some immediate action of congress was necessary, in consequence of the state of things on the frontier, and its exposed condition.

Mr. *Ewing*, of Ohio, hoped that the amendments would be allowed to take the usual course, and lie for consideration; and that the land bill, which was the order for yesterday, would now be taken up and disposed of before any other subject should be taken up.

Mr. *Linn* added a few words in addition to what he had before suggested, and which we regret that our position prevented us from hearing.

Mr. *Preston* stated that the amendments proposed the addition of a regiment of dragoons, and also a considerable augmentation of the army. It was suggested that strange occurrences had taken place on our frontier; that an army, flushed with conquest, and rendered furious from the taste of blood, was rapidly approaching our frontier. Rumors of this character were well calculated to produce a certain degree of anxiety in the bosoms of American citizens. His own imagination had been startled—his feelings deeply pained; he had been sensible even of something of indignation at the rumors of outrages, appalling to humanity, which had reached him. His feelings had been roused; our countrymen, our friends, our relatives massacred in cold blood, and, as report says, in violation of every sort of pledge—massacred after surrendering to a powerful force, acting under an able military commander. But the rumors went still further. It was said that there had been negotiations with the Indians on the frontier, for the purpose of enlisting their hostility against our citizens on the frontier. True, there was no other foundation for these statements but these rumors, and these rumors were in themselves contradictory. Gentlemen who are well versed in the geography of the country, had been unable to trace the operations on the map. The whole was a mass of great confusion. We are all possessed with some vague ideas that something horrible has happened. In this state of things, perplexed by vague and general rumors, we are presented with a case of possible necessity, to urge us to hasten a measure, in reference to which it seems to be particularly desirable that the senate should have the most exact information on the subject. There may be gentlemen who had better information than he had, and, if so, they should come forward and communicate it.

Rumor says that a distinguished officer, a major general in the American army, on the frontiers, has made a call on the executive of three states for a force of militia, and that the militia, to the number of 7,000, have been embodied. It is supposed that a still stronger measure will become necessary, and that the executive arm will have to be extended before a more tranquil state of things can be produced. He was as willing as his friend (Mr. *Linn*) to protect the frontier. He was as ready to go as far whenever the exigencies of circumstances should require it. But he hoped that gentlemen would not suffer their feelings to be excited and urged beyond what the law of nations would justify. He hoped that gentlemen would concur with him in opinion that they did not come here to indulge private and personal feelings, but to shape their course so as to insure the greatest advantages to those whom they represented. He could not sit down without saying that his feelings had been pained, and he would repeat that he was ready to go as far as his friend from Missouri to protect the frontier, and, in all circumstances, to go as far as he would in doing that which was right. He hoped that some gentleman would take the necessary steps to obtain the information so much desired on the subject. As a member of the military committee, he would be glad that all possible information should be before the senate, and that the measure should not be pressed until that information should be obtained. He did not come into the senate to-day prepared to go into this question. He should be ready at any time to go into the consideration of the subject, but he thought the best course now was to dispose of the land bill, and afterwards to consider this bill.

Mr. *Clay* said, the proposition, if he understood it, was to take up a military bill from the house, passed this morning, providing for an increase of the army, and authorising the calling out of ten thousand volunteers. Every senator here was undoubtedly as willing as the gentleman from South Carolina, to do whatever the honor, interest and tranquillity of the country required to be done. But he must see a very different state of things from any that had as yet presented itself, before he should be willing to interrupt the pacific relations of the government, and precipitating it into a war with Mexico.

If there was a cause, a just and righteous cause, for such a step, he trusted we should act promptly and manfully; but, as yet, we had but rumors of the inhuman scenes which were said to have been enacted. As yet, so far as respected this country, there was no ground for engaging in hostilities with any foreign power.

It was not yet the proper time to go into the consideration of this subject. It should be taken up deliberately, and with all the information that could possibly be obtained. It was proposed to augment the military force of the country; and it was proper to consider by how large a number of men, and of officers capable of commanding them. Perhaps an increase of both was necessary; but without a great and controlling necessity, there should be an increase of neither.

He came into the senate this morning under the full expectation that a final disposition would be made of the land bill, before proceeding to the consideration of any other subject. There was time enough to look into this measure. There was no particular urgency for considering it at this moment. He had been told that we had lately at Tampa Bay 7,000 men, engaged in a contest with 6 or 700 miserable Indians: these we had neither conquered nor found; and unless we could show a somewhat better capacity for war, we had better refrain from engaging in one.

If Santa Anna should commence hostilities with us—if he should invade our frontier—and he had, as yet, shown no such intention—what was to prevent our transporting this force from Tampa Bay to the Sabine, to prevent any violation of neutrality and of existing treaties in that quarter? But unless there was an actual or threatened invasion, we were not called upon for any active measures. At any rate we wanted information. Has no communication been made to our government from that of Mexico? No assurances been given that existing treaties would be respected? If so, let us have them. A call, in his opinion, could not fail to bring us such facts as would, in a great measure, quiet the public apprehension. He had risen, however, for the sole purpose of saying, that when a final vote was expected on the land bill to-day, he was unwilling to have that measure put aside, as it had been repeatedly, and that, too, in a very unusual and unparliamentary manner. He hoped the senate would preceed to its consideration.

Mr. *Benton* said: Here we meet the land bill again. Call up what subject we will, we find the land bill in the way. Bills of the greatest importance are foundered by coming into contact with the land bill. The fortification bill found the land bill too great an impediment to overcome. Every bill finds this land bill in its way. It is like the frogs of Egypt, which were found on the tables, and even in the nuptual bed.

Mr. B. then went on to state the course he had pursued in the progress of the land bill, and the efforts he had made to get up the fortification bill. He trusted that the officers and soldiers of the United States on the frontiers would not subdue their national feelings when they saw the Mexican troops committing such inhuman atrocities on Americans, but that they would strike, and leave it to the God of our country to direct the result. He wanted now to have the sense of the senate as to taking up this bill for consideration. He wished to see whether they would be ready to step forward to vindicate and save their bleeding country, in preference to scrambling for portions of the public money. He had read of accredited authorities who could not be made to show any regard for their bleeding country while they were engaged in dividing the public spoils. He had read of such instances in histories, and he would ask for the yeas and nays in order to see if such would be the case now.

Mr. *Porter* said he regretted extremely this discussion, as hours, nay, minutes had become precious if we hoped to go through the great mass of business which had been prepared for the action of congress. There had been as much debate on the precedence bills were entitled to, as was sufficient to pass one of them or reject it. He hoped we would continue to act on the bill which was made the special order of the day, until it was finally disposed of. That now proposed by the senator from Missouri had his approbation; and without pledging himself to all its details, he believed it would have his vote. Being friendly to it, he thought it was injuring its chance of adoption to press it on for discussion and decision without affording time for a *proper* examination of its provisions. That proper examination need not be a long one.

Mr. P. said he was compelled to dissent from what had fallen from the honorable senator from Kentucky in relation to our

military force. He (Mr. P.) thought it ought to be augmented. Its numbers were not greater now than they were ten years ago, and since that time our population had vastly increased, our frontier had been extended in the same space of time in a still greater proportion, and was necessarily weakened as it was enlarged. Another circumstance called for an augmentation of our army. Within a very few years (under a policy which Mr. P. said he should ever deplore) an immense body of Indians had been removed from the east side of the Mississippi, and thrown on the frontiers of Louisiana, Arkansas and Missouri. In their original location they were circled on every side by a white population, which insured their good conduct, and restrained their propensity to war. They were now placed on an extended frontier, thinly settled, where, from causes he should not enlarge on, because they were obvious, a military force was indispensable to give security to our borders. Not less, he believed, than 250,000 Indians were now located between the west of the Mississippi and the Rocky Mountains, who, from ignorance and the influence of passions which constantly agitate man in a savage state, were liable to be excited to hostilities, ruinous to themselves in the end, but destructive to the borders exposed to their first outbreak. It was humanity, therefore, as well as true economy, to place a force on our frontiers which would hold them in check, and be ready to crush their first movements.

There was another element to be taken into the estimate we should make of the proposed measure, which had been glanced at in the debate, and which could not be properly disregarded. He alluded to the events daily transpiring on the western boundary of Louisiana. By the last intelligence received from that quarter, it appeared that the war which had for some time raged in one of the Mexican provinces, was about to be brought close to ourselves. The inhabitants of Texas were flying from their country, and taking refuge within the state of Louisiana, and their enemies, flushed with victory, were close and hot in their pursuit. He did not believe the Mexican troops would cross the Sabine and violate our territory. If Santa Anna had the wisdom and ability which his friends long since, and his enemies lately, gave him credit for, he would cautiously abstain from any such step. His true interests prompted him to respect our neutrality. He (Mr. P.) believed he would be governed by these interests. But while he believed it, it was impossible to shut our eyes to the danger of collision between the troops of the United States now on the Sabine, and those of Mexico. The people of this country had become painfully excited by the intelligence which had reached them of the war of extermination carried on in Texas. That excitement had been communicated to our troops; it required only a spark to put the combustible materials now on our frontier in a flame, and he was afraid it would soon be furnished.

It had been said that our officers there should have hearts and arms, but no heads; that is, that they should yield themselves up to the influence of their feelings, however their judgment might reprove the measures those feelings prompted them to. He had a better hope of their wisdom and prudence. A heavy responsibility rested on them. If, under the influence of passion, they involved the nation in war, they would have a severe account to render for their actions. And more especially if, at this moment, when the forces stationed on the frontiers of the state of Louisiana might be inadequate to its defence, they should, in their sympathy for Texas, draw the war into that state, he knew of no terms of reprehension too strong for such conduct. With all possible consideration for the inhabitants of Texas, and deep and sincere regret for the condition to which they were reduced, he could not help thinking that the citizens of Louisiana who had remained within their country had the first claim on the attention and protection of the federal government and the federal army. He hoped and believed this view of the matter was taken by the president, however it might be disregarded elsewhere; and that orders had been sent to the commanding officers not to compromit the safety of the state he had the honor in part to represent.

But apart from all considerations of prudence and safety, there were the higher ones of justice, which forbad our intermeddling in this contest. We were acting under the eye of the civilized world. It had heretofore been our boast and our pride that we faithfully maintained all our treaties, in letter and in spirit. He trusted that, under no impulses, however praiseworthy, would we leave the vantage ground we had so long and so honorably occupied, and expose ourselves to the imputation of considering compacts binding only so long as it suited our convenience and our interest. We were the oldest independent nation in the American continent; we were the strongest, too. It behooved us to aspire after the truest glory which a nation can acquire; to exhibit the example of power restrained by justice, and ambition directed, not to subjugate our neighbors, but to improve and to elevate them.

He believed these sentiments were those of the large mass of the American people, but there was danger that they might be forgotten under the excitement of generous feelings. He respected these feelings; he shared in them, but he felt it to be his duty, in the place he occupied, to submit them to the control of his reason and his judgment, and if possible to induce others to do the same. No one had heard with deeper regret than himself, the intelligence of the dreadful massacres which had taken place in Texas. It was possible the statements were exaggerated. He hoped they were so. But if true, they were disgraceful to the perpetrators. The people of Texas, whether right or wrong in their attempt at independence, had done nothing to place them out of the pale of civilization; and if it were true that a body of them, after capitulation as prisoners of war, had been basely shot in cold blood, their murderers should be held up to the common execration of mankind. He (Mr. P.) would rather have been one of the gallant, though misguided men who perished on that occasion, than the ruthless despot by whose orders they were assassinated.

But giving to these feelings their full scope, he could not see in this and other inhuman acts cause for war by the United States against Mexico. We should never be an hour at peace if we set out on a crusade to punish all the cruel deeds which were committed in the world. Their proximity to us, and their being inflicted on men of kindred blood, could not change or enlarge our obligations. In abandoning their own country, and becoming citizens of another, they had placed themselves in relation to that left as strangers, so far as claims for national interference were concerned. We had no more right to make war because *they* had been unjustly treated by the power to which they had attached themselves, than we had to intermeddle in the contests between the natives of the old states of Mexico.

Our unfortunate countrymen who settled in that portion of Mexico which is now the theatre of war, knew well what kind of people they were going among. In all periods of history, the Spanish race have been distinguished for cruelty in their civil wars: extending no quarter, and sparing neither sex nor age. The scenes now daily enacted in old Spain, of which accounts reach us every day, exhibit the same brutal ferocity and disregard of all the claims of humanity as those lately perpetrated by their descendants in Texas. Those which took place in South America, some years since, were, if possible, more frightful and revolting to humanity. We did not then throw ourselves into the conflict, and he trusted we would not now. A war for revenge he deprecated, as he did one for conquest. He saw as yet no just cause for expending our blood and our treasure, and he hoped that all who had a voice in the councils of the nation would aid in preserving our neutrality.

Mr. *Preston* said he was misapprehended, if it was supposed he wished to press the consideration of this matter now. He wished merely to draw the attention of the senate to it, and he had succeeded in so doing. The final action upon it might easily be deferred for a day or two.

We had rumors, to be sure, but he saw nothing in them to justify any act of extraordinary vigilance on our part. We need not operate defensively or on the offensive at present. Santa Anna had done enough to curdle our blood, and shock our sensibilities, but not enough to justify any warlike preparation. He would wish to know, however, why general Gaines had made this requisition for more men. It had been stated that the government were in possession of all the facts, but he could not think so. He does not intend to rush down at once upon the Mexican leader—considering him as a monster out of the pale of humanity. Such could not be his intention. Was there not something else? Had not a communication from Santa Anna to the Camanche Indians been intercepted? If so, the president is in possession of the fact.

We cannot interfere in Texas; it is beyond our reach. But if this ruthless desolator of that province has instigated the Indians to cross the frontier and descend upon our settlements, we should hold him responsible for every drop of blood that may be shed.

If such a movement is contemplated—if it is taking place—then, after the necessary information, let the senate act. He agreed with the senator from Louisiana, that an increase of our military was necessary.

Mr. *Benton* reminded the senate that this bill was not a new measure, and that it was a northwestern, not a southwestern measure. It had originated with one of the senators from Indiana, (Mr. *Tipton*) and one of the senators from Ohio, (Mr. *Morris*). These gentlemen made some insipient movements on the subject as much as three months ago, and before they could have had the least idea that general Gaines would be placed in a situation to act in the matter.

Mr. *Buchanan* said that he had no doubt the government would be guided in its course towards Mexico by that principle which had been established in the commencement of our political history; which had grown with our growth, and strengthened with our strength; which always had been, and he trusted always would be, strictly adhered to, viz: never to interfere with the domestic concerns of foreign nations.

General Washington had asserted and maintained that principle in his celebrated proclamation of neutrality; it had met, in theory and practice, with the approbation of the whole world; it regarded other nations as friends in peace, and as enemies in war, and should never, in any contingency, be departed from.

In his eyes, and he trusted in the eyes of all mankind, Santa Anna was a tyrant and a usurper. He had violated the federal compact which had been entered into by the Mexican states; he had overturned that constitutional system of government to which they had looked for the preservation of their peace and prosperity; and Texas, as one of the states of that confederacy, therefore, was justified in her rebellion. Whether her citizens had consulted a wise policy in declaring themselves independent, was not for him to decide; but as a man, and an American, he wished they might acquire and maintain their

independence; and he trusted in God they would be able to do so. He would leave them, however, most unwillingly, to their own bravery and exertions, with an ardent hope for their ultimate success.

What, (continued Mr. B.) was the state of our frontier? If this Mexican leader was rousing the Indians within our territories into action; if he was exciting and stimulating their brutal passions; if our defenceless women and children were to be murdered in cold blood, then he would hold him responsible. Should this prove to be true, he has violated our treaty with Mexico, and has clearly made himself the aggressor.

In any event, there was a necessity for sending troops at once—for making ourselves strong in that quarter; for we knew not to what excesses the savage feelings of Santa Anna might impel him.

In the policy of sending a sufficient force of dragoons to the western frontier, as proposed by the senator from Missouri, he entirely coincided; but he was opposed to departing in any the slightest degree from the settled policy of this government, even for the purpose of supporting the cause of the Texians. Thus much in regard to the general subject.

If it were left for him to decide whether the measure now before the senate or the land bill should now be acted upon, he should, other things being equal, give the preference to the former. It was a necessary measure. But he had been instructed, by an authority which he was bound to respect, to support the latter; and he should vote with its warmest friends till it passed or was defeated. He was willing, therefore, to proceed and dispose of the land bill, which had already been ordered to be engrossed for its third reading, until it should be finally disposed of, which he thought might be done to-day, or, at the latest, to-morrow; it would embarrass all our proceedings. We might then take up and pass the important measures of defence now before the senate, without further delay.

Mr. *Clayton* stated that he should vote for the land bill in preference to this bill, because the former would have still to pass the other house, while the bill now asked to be considered had passed that house. As far as he had seen of this bill, he was favorably disposed towards it. But he was desirous to have a day or two to consider of the amendments. He did not wish it to be said of him that he had thrown any difficulty in the way of the public defence, and he only desired so much delay as would enable him to become acquainted with the character of the amendments.

Mr. *Linn* referred to the journal to show that this matter had been moved early in March.

The motion to take up the bill was then negatived without a division, the call for the yeas and nays being withdrawn.

REPORT FROM THE NAVY DEPARTMENT.

Navy department, March 31, 1836.

SIR: In answer to so much of the resolutions of the senate of the United States of the 18th ultimo, as required information as to the probable amount of appropriations that may be necessary to supply the United States with ordnance, arms and munitions of war, which a proper regard to self-defence would require to be always on hand, and the probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and welfare of the union, I have the honor to lay before you a report of the board of navy commissioners, of the 2d inst. which contains the best information upon the subjects referred to in the possession of this department; which is respectfully submitted.

MAHLON DICKERSON.

To the president of the United States.

Navy commissioners' office, March 2, 1836.

SIR: The board of navy commissioners have the honor to acknowledge the receipt of your letter of the 26th ultimo, requesting a "report on the probable amount that would be necessary to supply the United States with the ordnance, arms and munitions of war, (so far as may be wanted for the purposes of the navy), which a proper regard to self-defence would require to be always on hand; and on the probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and welfare of the union."

In conformity to these instructions, the board respectfully state, with respect to the ordnance for the navy, that, after a careful examination of the subject, taking into consideration the ordnance and ordnance stores now on hand, and the extent of force, for which it may be expedient to make early provision, they are of opinion that the sum of one million eight hundred thousand two hundred and fifty dollars will be required to supply the ordnance, arms and munitions of war which may be wanted for the use of the navy, and which a proper regard to self-defence would require to have prepared ready for use.—(See paper A, annexed, for the detail).

The board beg leave respectfully to observe, that, for the vessels which are now built, or have been specially authorised, armaments may be provided, with some partial exceptions, from the cannon and carronades already provided, and the deficient ordnance, arms and other ordnance stores will be principally required for the vessels which are yet to be authorised or built. It is therefore respectfully recommended that any appropriation for this purpose, instead of being special or separate, should be included in an appropriation for "building and repairing vessels, and for the purchase of materials and stores for the navy."

The second object of injury, as to "the probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strenth and respectability which is due to the security and welfare of the union," embraces a wide range, requires an examination of several subjects of great importance, and the expression of opinions upon which differences of opinion may and probably will exist. Before any estimate can be formed of the probable *amount* that would be necessary for the purposes proposed, an examination must be had, and an opinion formed, of the *nature* and *extent* of the naval force which is "necessary to place the naval defences of the United States upon the footing of strength and respectability which is due to the security and welfare of the union," and the time within which it ought to be, or might be, advantageously prepared.

Taking into view the geographical position of the U. States, with reference to other nations with whom we are most likely to be brought into future collision; the great extent of our maritime frontier, and the extreme importance of securing the communications of the whole valley of the Mississippi, through the Gulf of Mexico, and the intercourse between all parts of the coast; the efficient protection of our widely-extended and extremely valuable commerce, under all circumstances; and the great naval and fiscal resources of the country, the board consider the proper limit for the *extent* of the naval force to be that which can be properly manned, when the country may be involved in a maritime war.

In estimating this extent, it is assumed that about ninety thousand seamen are employed in the foreign and coasting trade and fisheries. As the navigation has been generally increasing, there is little reason to apprehend any immediate diminution during peace. In any war which would require the employment of all our naval force, it is believed that such interruptions would occur to our commerce as would enable the navy to obtain, without difficulty, at least thirty thousand seamen and ordinary seamen; and if it should continue long, it is probable that a larger number might be engaged. The number of thirty thousand, with the landsmen who may be safely combined with them, will therefore be assumed as the number for which vessels ought to be prepared, for the commencement of a state of hostilities.

With respect to the *nature* of the force which it would be most advantageous to prepare, there will undoubtedly be differences of opinion. The materials for the larger vessels, as ships of the line and frigates, would be obtained with great difficulty, under circumstances which should interfere with our coasting trade, whilst sloops of war and smaller vessels could be built with greater comparative facility, under such circumstances.

The preparation of a considerable number of steam vessels, ready to defend our great estuaries, to aid the operations of our other naval force, and in the concentration or movements of the military force, as circumstances might require, is believed to demand serious and early attention.

Having due regard to these and other considerations, the board propose that the force to be prepared, ready for use when circumstances may require it, shall consist of 15 ships of the line, 25 frigates, 25 sloops of war, 25 steamers and 25 smaller vessels; and that the frames and other timber, the copper, ordnance, tanks and chain cables shall also be prepared for 10 ships of the line and 10 frigates.

The force proposed to be prepared, ready for use, will employ, and can be manned by, the 30,000 seamen and others which have been considered available in a state of war. The materials for the 10 ships of the line and 10 frigates, will constitute a necessary reserve for increasing the number of those vessels, should they be required, or for supplying losses from decay or casualties.

To estimate the amount necessary to prepare this force, it is proposed to ascertain the whole probable cost, including ordnance, by the average cost of similar vessels already built, (steam vessels excepted), and of materials already procured, and then to deduct the value of the present force, and all other present available means.

The total cost of 15 ships of the line	$8,250,000
25 frigates	8,750,000
25 sloops	3,125,000
25 steamers	5,625,000
25 smaller vessels	1,250,000
Total for vessels	27,000,000
For the proposed materials, as a reserve	3,315,000
Total amount required	$30,315,000

Deduct from this sum the value of the present force and available means, as follows:

In vessels afloat, valued at sixty one-hundredths of original value, about	$4,440,000	
In vessels building, at actual cost	2,455,000	
In materials collected for building do.	2,945,000	
In treasury for these purposes, 1st October, 1835	1,215,000	

For three years' appropriation "gradual improvement," when due 1,500,000

Total of present value and available means 12,555,000

Leaves still to be provided for vessels.....$17,760,000

In presenting any estimate for the amounts which may be necessary to place the different navy yards in a proper situation, the board can do no more than give very general opinions, as the objects of expenditure are foreign to their own professional pursuits, and they have no civil engineer to whom they can refer for the necessary detailed information.

From a knowledge of the cost of works hitherto completed, or in progress, and of the wants at the respective yards for the proper preservation of materials, and for extending the means for building, preserving, repairing and equipping vessels, they are satisfied, however, that the public interests would be greatly promoted, and, in fact, absolutely require an average annual expenditure of $500,000 for some years to come, upon the different yards.

In New York the necessity of a dry dock is severely felt already, and its importance will increase with an increase of the navy. This, with its dependencies, will require nearly a million of dollars. At Pensacola, which nature has designated as one of the naval keys of the Gulf of Mexico, and of the immense commerce of the valley of the Mississippi, large expenditures will be necessary to secure adequate means for repairing and subsisting a naval force upon that station, and thus prevent the many evils which would be severely felt in a state of war, if the vessels were obliged to resort to the Atlantic ports for ordinary repairs or supplies of any kind. In other yards, there are objects of great and urgent importance.

Generally, the proposed arrangements for the preservation of all materials and vessels should precede their collection or construction. Whilst, therefore, the board propose $500,000 as the *average* annual appropriation until the yards should be placed in proper order, they would also state that appropriations of $700,000 annually for the next four or five years, and a less sum than $500,000 afterwards, would, in their opinion, be most judicious.

The next subject for consideration is, the nature and extent of force proper to be kept employed in a time of peace, for the protection of our commercial interests, and to prepare the officers and others for the efficient management of the force proposed for a state of war.

Our commerce is spread over every ocean; our tonnage is second only to that of Great Britain, and the value of articles embarked is believed by many to be fully equal to those transported by the ships of that nation. In the safety and prosperity of this commerce all the other interests of the United States are deeply interested. It is liable to be disturbed and injured in various modes, unless the power of the country, exerted through its naval force, is ready to protect it. It is, therefore, proposed that small squadrons should be employed upon different stations, subject, at all times, however, to such modifications as circumstances may require.

Of these squadron, one might be employed in the *Mediterranean*, and attend to our interests on the west coasts of Spain and Portugal, and southward to the western coast of Morocco and Madeira.

One in the *Indian Ocean*, to visit, successively, the most important commercial points east of the Cape of Good Hope, to China, then to cross the Pacific, visit the northern whaling stations and islands, cruise some time upon the west coast of Amercia, and return by way of Cape Horn, the coast of Brazil, and the windward West India islands.

One in the *Pacific Ocean*, to attend to our interests upon the west coast of American; keeping one or more vessels at or near the Sandwich and other islands which are frequented by our whale ships and other vessels, and, in succession, cross the Pacific, visiting the islands and southern whaling stations, China and other commercial places, and return, by the way of the Cape of Good Hope, to the United States.

A squadron upon the *coast of Brazil*, or east coast of South America, might be charged with attention to our interests on the whole of that coast, and upon the north coast, so far as to include the Oronoco. If a ship of the line should be employed on this station, it might be occasionally sent round to the Pacific.

A squadron in the *West Indies and Gulf of Mexico* will be necessary for, and may be charged with attention to the protection of our commerce amongst the West India islands and along the coast of South America, from the Oronoco, round to the Gulf of Mexico.

A small *coast squadron* upon our Atlantic coast might be very advantageously employed in making our officers familiarly and thoroughly acquainted with all our ports and harbors, which would be very useful in a state of war. The vessels would also be ready for any unexpected service, either to transmit information or orders; to reinforce other squadrons, or to visit our eastern fisheries. Besides this cruising force, it is recommended that a ship of the line be kept in a state of readiness for service, *men excepted*, at Boston, New York and Norfolk, and used as receiving-ships for the recruits as they are collected.—This would give the means of furnishing a considerable increase of force, with a very small addition to the current expense.

For the nature and distribution of this force, the following is proposed:

	Line.	*Frigates.*	*Sloops.*	*Steamers.*	*Smaller.*	*Total.*
Mediterranean...	1	2	2	–	2	7
Indian ocean....	–	1	2	–	1	4
Pacific.....	–	2	3	–	2	7
Brazil	1	1	2	–	2	6
West Indies.....	–	1	4	1	2	8
Home	3*	1	2	3	1	10
	5	8	15	4	10	42

Considering this force with reference to its power of giving experience to the officers, and qualifying them for the management of the force proposed for war, it appears that, for the force proposed to be *actually employed at sea*, in peace and in war, the peace force will require and employ about two-thirds the number of commanders of squadrons; about one-third the captains and forty one-hundredths of the commanders and lieutenants and masters, which the proposed war force would demand, and midshipmen sufficient to supply the additional number of these last classes which a change to a state of war would require.

Supposing the foregoing force to be that which is to be kept in commission, the next question is, what force will be necessary to keep *afloat*, to provide the necessary reliefs? The board believe that this force should be the *least* which will answer the object proposed, as every vessel when launched is exposed to a decay which is much more rapid than when left under the cover of a tight ship-house.

We have already six ships of the line afloat, which will be fully equal to our present wants, when they are repaired. A reserve of three frigates may be required, but only to be launched when the necessity for it shall arise; for the sloops of war and smaller vessels, it will probably be sufficient to merely keep up the cruising force as proposed, except some extraordinary demand should arise. The force of steam vessels proposed, when distributed at Boston, New York, Norfolk and Pensacola, would probably meet all the demands of a state of peace, and furnish useful schools for officers, to prepare them for the proper management of others, when they are required. The force to be kept afloat, then, will be assumed at 6 ships of the line, 11 frigates, 15 sloops of war, 4 steamers and 10 smaller vessels. The annual amount necessary to keep this force in a state of repair, and to supply the wear and tear of stores of cruising vessels, is estimated at $950,000.

The estimated expense of the force which is proposed to be kept in commission, exclusive of the repairs as above stated, and for the pay of the officers of the navy yards, rendezvous, receiving vessels, of superintendents and civil officers, at all the shore establishments, and at the present cost of those establishments, is—

For pay of officers and seamen in commission, superintendents, and civil officers, and all others, at all the establishments, about.....	$2,500,000
For provisions.....	750,000
For medicines and hospital stores.....	60,000
For ordnance stores, powder, &c.....	120,000
For contingencies of all kinds.....	390,000
Total for the navy branch.....	$3,850,000

If the marines are continued as a part of the naval establishment, instead of substituting ordinary seamen and landsmen for them in vessels, and watchmen in navy yards, and transferring the marines to the army as artillery, as has sometimes been suggested, the sum of about $400,000 annually, will be required for that corps.

To determine the *annual amount* which it may be necessary to appropriate to prepare the vessels and reserve frames and other materials which have been proposed some *time* must be assumed within which they shall be prepared. Believing that reference to the ability of the treasury to meet the probable demands upon it, for all the purposes of the government, must necessarily be considered in determining what amount may be allotted to the navy, the board have examined the reports of the secretary of the treasury, and respectfully propose to establish the ordinary annual appropriations for the navy, including the ordnance, at seven millions of dollars.

The operation of such annual appropriations may be seen by the following recapitulation of the proposed heads of expenditure:

For the force in commission, and its dependencies, as before stated	$3,850,000
The *average* appropriation for navy yards	500,000
For the repairs and wear and tear of vessels	950,000
For building vessels and purchase of materials	1,300,000
Total for the navy proper.....	6,600,000
For the marine corps.....	400,000
	$7,000,000

By the adoption of this gross sum for the navy and its dependencies, and the other items as proposed, $1,300,000 would be annually applied to increasing the number of our vessels and the purchase of materials; and, with this annual expenditure, the deficiency of $17,760,000 would not be supplied sooner than between thirteen and fourteen years, or at about the year 1850.

*As receiving ships.

The board consider this as the most *remote* period at which the proposed force ought to be ready, and are of opinion that it might be prepared much sooner, should congress deem it necessary or advisable to make larger appropriations than have been suggested.

The board have expressed the opinion that no more vessels should be launched than are absolutely necessary to meet the demands for the force to be kept in commission; but, as a necessary consequence, they recommend that the other additional force should be in such a state of readiness, that it may be launched and equipped by the time that men could be obtained for it. This arrangement renders an early attention to the completion of all the building-slips, ship-houses and launching-ways, at the different yards, so that the ships may be built, and that our docks, wharves, workshops and storehouses should be finished; that our ships may be equipped with the greatest economy and despatch, whenever they may be required.

Before concluding this report, the board would respectfully offer some remarks upon the form of the appropriations, and suggest some attention to existing acts of congress.

By the separate acts for the gradual increase of the navy; for the gradual improvement of the navy; for building and rebuilding different vessels, altogether seven in number, each appropriation is rendered separate and distinct, although the general object is the same, and requires the use of the same kinds of materials. It is necessary, in conformity to the law of the 3d of March, 1809, that the vouchers, receipts, expenditures and accounts of each should be kept separately; and, in strictness, no article purchased for one can be applied to the use of another, however desirable or economical such use may be.

It is suggested, therefore, for consideration, whether it might not be very advantageous for congress to determine, by some general act or resolution, the number and classes of vessels which the president might be authorised to have been built, or for which materials might be procured; and then appropriate specially the amounts which might be devoted to those objects, and for keeping the force afloat in repair, under the general head of "for building and repairing vessels, and for purchase of materials and stores."

The adoption of some such plan, and removing the special restrictions which now exist, and requiring, as at present, detailed estimates for the current repairs, and reports of proceedings in building vessels and for purchase of materials, would, it is believed, greatly simplify and diminish the number of accounts at the treasury department, and in all the navy yards, without infringing in any degree the principle of special appropriations; would furnish to congress all the information they now receive, and would enable us at all times to use those materials which are best prepared, and most appropriate for the different objects for which they might be wanted.

The board, beg leave, also, respectfully to state their opinion of the necessity for the services of a competent civil engineer for the navy, to furnish plans and estimates for all hydraulic and civil objects, and to have a general superintendence of their construction, under the direction of the department. The particular character of these works requires the supervision of such a person, not less from motives of economy in the ordinary expenditures, than from the more important consideration of their proper arrangement, solidity of construction, and durability. All which is respectfully submitted.

JNO. ROGERS.

To the hon. *M. Dickerson, secretary of the navy.*

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A.

Upon the supposition that the naval force to be so prepared that it might be equipped for sea at short notice, shall consist of—15 ships of the line, 25 frigates, 25 sloops of war, 25 steamers, 25 smaller vessels, and that the frames and other durable materials shall be provided for 10 ships of the line and 10 frigates, as a reserve, the following statement shows the total number and character of the armaments which the whole force will require; the number which can be furnished from the ordnance on hand; and the number which will be still required:

	Ships of line.	*Frigates.*	*Sloops.*	*Steamers.*	*S. V.*
Total number required	25	35	25	25	25
On hand, for	11	22	16	00	12
Deficient	14	13	9	25	13

Besides the bomb-cannon, guns and carronades for these armaments, there would be required shot, shells, small-arms, pistols and cutlasses, and a supply of powder sufficient for equipping a strong force, in case of a sudden emergency.

The cost of these objects may be estimated as follows:

Armaments for 14 ships of the line, at $45,000 each,		$630,000
13 frigates,	16,500	214,500
9 sloops,	6,000	54,000
25 steamers	3,000	75,000
13 smaller vessels	1,500	19,500
For guns, bomb-cannon and carronades		993,000
100 shot to each gun, and 200 shells to each bomb-cannon, and shells for guns		427,000
8,000 muskets		100,000
3,500 pairs of pistols		43,750
8,000 cutlasses		34,000
9,000 barrels of powder		202,500
		$1,890,250

A LATER REPORT FROM THE SECRETARY OF THE NAVY.

Navy department, April 27, 1836.

SIR: In answer to the resolution of the senate of the 19th instant, requiring of this department "to inform the senate what is the maximum amount which can be beneficially expended, *annually*, towards completing the naval defences of the country; embracing, 1st, ordnance and ordnance stores; 2d, gradual increase of the navy, and collection of materials; 3d, repairs; 4th, navy yards and docks and other incidental heads of expenditure; provided the appropriations for the expenditures be made at once, for a series of years, to be drawn from the treasury annually, as needed," I have the honor to state that the subject was referred to the board of navy commissioners, whose report is herewith submitted.

In this report they present estimates of much larger amount than those contained in their report of the 2d of March last, as the *maximum* which, in their opinion, might be beneficially expended, annually, towards completing the naval defences of the country, "without any limit in reference to the means."

It will be perceived that these estimates are based upon the supposition that our naval preparations shall have no limit, except that imposed by a due regard to the public revenues, and by the probable condition of other maritime nations; and that the fixed, immovable fortifications of our country are to be kept within prescribed limits; and also upon the supposition that we shall erect six dry docks in addition to those already completed, to wit: one at Portsmouth, one at Boston, two at New York, one at Norfolk and one at Pensacola.

Should it not be deemed expedient by congress to increase our naval preparations to the extent contemplated by the commissioners; or should the estimates for immoveable fortifications, now submitted, be adopted; or should it not be deemed expedient to provide, at this time, for the construction of six dry docks, a corresponding reduction in the amount of the estimates of the commissioners should be made.

It must also be observed, that the estimates of expenditures are made without regard to the effect they may have upon the commercial shipping interest of the country.

An expenditure of more than a million and a half of dollars annually, for the "gradual increase of the navy, and collection of materials," would, in my opinion, create such a demand for labor and materials as essentially to increase the expense of ship-building, which could not fail to give foreign navigating interests an advantage over our own.

I thought it duc to myself, in presenting the report of the commissioners of the navy board, to make the foregoing observations. I have the honor to be, very respectfully, your obedient servant, MAHLON DICKERSON.

Hon. *M. Van Buren, president of the senate.*

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Navy commissioners' office, April 21, 1836.

SIR: The commissioners of the navy have had the honor of receiving from your hands the resolution of the senate of the 19th instant, with directions, given personally, and by endorsement on the resolution, to report thereon.

The resolution requires that the senate be informed "what is the *maximum* amount which can be *beneficially expended*, annually, towards completing the naval defences of the country; embracing, first, ordnance and ordnance stores; second, gradual increase of the navy and collection of materials; third, repairs; fourth, navy yards and docks, and other incidental heads of expenditure; provided the appropriations for the expenditure be made at once, for a series of years, to be drawn from the treasury annually, as needed."

In the report which the commissioners had the honor of presenting to you on the 2d ultimo, it was proposed "that the force to be prepared ready for use when circumstances may require it, shall consist of fifteen ships of the line, twenty-five frigates, twenty-five sloops of war, twenty-five steamers and twenty-five smaller vessels; and that the frames and other timber, the copper, ordnance, tanks and chain cables shall also be prepared for ten ships of the line and ten frigates." It was further observed that "the force to be ready for use would employ thirty thousand seamen; the number assumed as that for which vessels ought to be prepared, for the *commencement* of a state of hostilities." In preparing that report, the board, unapprized of your views or those of the government upon the subject, looked to the fiscal condition of the country, as exhibited in the treasury reports, and thence drew the inferences expressed as to the sums which might annually and conveniently be applied towards completing our naval defences; confining their views to the supposed convenience of the treasury, and indicating rather the *minimum* of the amount of money necessary to place the naval defences of the U. States upon the footing of strength and respectability due to the security and welfare of the union.

But the resolution of the senate calls for the *maximum* amount which can be beneficially expended, *annually*, towards completing the naval defences of the country, without any limit in reference to the means. The question thus presented appears to be unfettered with any restriction, or any consideration, other than that which refers exclusively to the completion of the naval defences of the country.

Had the resolution given any intimation as to the amount of the naval force, or, in other words, as to the nature and extent of the force deemed necessary for the defence of the country, a satisfactory reply might more easily and with more certainty come within the professional ability of the board. Uninformed upon this material point as to the views of the honorable body

by whom the resolution was passed, the board must of necessity express their own, to show the basis of their calculations upon the subject.

If it be the settled policy of our government to consider the navy as "our first and best fortification;" if it be determined that our naval preparations shall have no limit except that imposed by a due regard to public revenues, and by the probable condition of other maritime nations; if the fixed, immovable fortifications of our country are to be kept within prescribed limits, that the naval defences, deemed more important because more efficient, may be enlarged to an extent necessary to defend our coast on the ocean, and guard it against invasion, the commissioners would, with great deference, though with entire confidence in its correctness, express the opinion that an increase of naval preparations beyond that proposed in their letter of the 2d ultimo may become a measure of wise precaution in reference to the high interests thus committed to the protection of the navy, and the solemn duties and responsibilities imposed upon it. Our means of naval defence and annoyance should surely be such as, when exerted against those possessed by other maritime nations with whom we may come in conflict, would fairly promise, if not secure, success.

Leaving, however, the nature and extent of our naval preparations to be decided by those with whom the decision rests, the commissioners will suppose that fifteen ships of the line, twenty-five frigates, twenty-five sloops of war, twenty-five steamers and twenty-five smaller vessels, with the frames and other timber, the copper, ordnance, tanks and chain cables for *ten* ships of the line and *ten* frigates, as a reserve force, may be considered as the amount of force which it may be the pleasure of congress to provide; and upon this hypothesis they base the reply to the resolution which they have now the honor to submit, observing here that, if a greater force be adjudged expedient, the means necessary to provide it must be proportionately increased.

In the opinion of the board, every ship belonging to the navy should be kept in such a state of preparation that her full equipment and readiness for actual service, on any emergency, may be secured by the time a crew can be collected for her. The hulls of those not in service at sea should be frequently examined and kept in good condition; their armament, masts, spars, boats, tanks, chain cables and imperishable stores of every description, should be procured, and carefully preserved in a state of readiness for immediate use; and there should be always kept on hand a full supply of *seasoned* timber, of all kinds used in the construction of ships of war, and a full supply of spare ready-made masts and spars, of sizes and dimensions adapted to each of the various classes of our ships.

Our navy yards should possess all the conveniences and facilities of building and repairing ships of every class, with the greatest *despatch* and *economy*. They should possess ample means of seasoning and preserving timber, and of keeping in a state of perfect security and preservation, ready for immediate use, all the stores and munitions of every description essential in the equipment and armament of our ships. To place the yards in this condition, preparations involving large expenditures are indispensable. Dry docks, timber docks, seasoning sheds, building slips, launching ways, ship houses, store houses, smitheries, workshops, wharves, &c. must be possessed to an extent proportionate to the number and size of our ships, and the quantity of materials to be kept on hand. We cannot, in a *state of peace*, secure the services of our ships as promptly as would be desirable, without these conveniences. In *war*, when time is all-important, when celerity of movement and vigorous action are alike in constant requisition, the want of them would paralyze every exertion, and be felt as a heavy national calamity. Suppose a squadron coming into port after a long cruise, or after a serious engagement at sea, or after encountering usual storms, the ships composing it would require repairs, some of them probably very extensive; many might require docking, and they arrive at a port where there is but one dock; while one is in dock, the residue must wait and take their turn to be docked, and months, at least, may elapse before the squadron (possibly wanted for *immediate service*) can be repaired and put in a condition for further service. Golden opportunities of sustaining the honor of our flag and advancing the highest interests of our country may thus be lost.

But, without supposing a case, the present actual condition of our ships at New York may be cited as affording ample illustration of the value of these facilities and conveniences, and particularly in reference to docks. If we possessed them at that yard, the ships now there, particularly those of the line, which require extensive repairs, might be put in a condition for service in a much shorter space of time, more effectually, at *far less expense*, and without incurring any of the risks attending the process of heaving down.

With these considerations in view, the commissioners would observe that, in their opinion, the sum of one million and eight hundred thousand dollars might be "beneficially expended" in procuring ordnance and ordnance stores; that the *maximum* amount which could be expended in the *first year*, from the date of an appropriation, would probably not exceed $300,000, but in the second and subsequent years at least $500,000 might be beneficially expended in providing cannon, carronades, bombs, shot, bomb-shells, muskets, pistols, cutlasses, boarding-pikes, boarding-axes, powder or the materials for making it, and all the other various articles necessary to the *armament of the ships*. That for "the increase of the navy and collection of materials," the sum of sixteen millions of dollars might be beneficially expended; that during the *first year* the expenditure for *timber* could not be very considerable. It might be contracted for in the course of a few months, but the trees should not be felled before the month of October next, and the contractors would not probably commence delivering the timber at the yards before April or May, 1837; and possibly such interruptions from Indian hostilities might arise in getting out the live oak as to postpone the operations of those engaged in that business for a still greater length of time. But the imperishable articles of copper, iron and lead, might be procured, probably during the first year; and it may be observed, as an inducement to procure them now, that the prices now asked for such articles are as low as they have ever been known to be. This observation is grounded upon the latest contracts made for copper and iron.

Under all circumstances, the commissioners believe that the sum of one million and a half of dollars might be judiciously expended "for the gradual increase of the navy, and collection of materials," during the *first year* after an appropriation, and that, in the six subsequent years, the residue of the $16,000,000 (viz. $14,500,000) might be expended; making in these years, an average expenditure of about $2,417,000.

The probable inability to expend any considerable sum during the first year, for *timber*, is a circumstance not to be regretted, because we have not the means of seasoning and preserving it. The preparation of such means, which consists of timber docks and seasoning sheds, should precede the reception of timber. They may be prepared by the time the timber will be delivered; and when they shall be ready for the reception of the timber, the timber should be procured as early as may be practicable, in order to give it the longest time possible for seasoning, before it shall be actually used in the construction or repair of ships.

As to "repairs," the operations under this head would necessarily be protracted and limited, until we can have a sufficient number of dry docks, and other conveniences for repairing ships of war. We have now only two dry docks, one at Norfolk, the other at Boston; so that only one vessel can be taken into dock at a time at either of those places; and at other yards where we have ships of the line, it would probably be advisable rather to wait the construction of docks, before commencing any repairs which their bottoms may require. The commissioners, however, believe that under this head, nine hundred thousand to a million of dollars may be annually and judiciously expended.

Upon the subject of "navy yards, docks and other incidental heads of expenditure," the board would respectfully observe, that the plans for improving the yards, adopted under the act of congress of 1827, and approved by the president of the United States, contemplate expenditures to a large amount, the means of estimating which are not in the possession of the board. It is certain, however, that it will require a series of years to complete the improvements, and it is equally certain that the expense will unavoidably be very large. But, to confine our views at present to a portion of those improvements, say a dry dock at Portsmouth; an additional dry dock at Boston; two dry docks at New York; an additional dry dock at Norfolk, and a dry dock at Pensacola; with the number of timber docks, timber sheds, ship houses, slips, wharves, storehouses, &c. required for these and other yards, and adapted to the proposed force, and essential to keep it in a state of desirable preparation for service: one million and a half of dollars may be considered as the *maximum* amount which could be "beneficially expended" during the first year; but for each succeeding year, two millions and a half may be expended, and very beneficially, until the necessary improvements shall be completed.

These views present the following results; showing the *maximum* amounts which, in the opinion of the navy commissioners, might be beneficially expended, annually, for different series of years.

1st. "Ordnance and ordnance stores," during the first year $300,000, and during the second year $500,000; the third year $500,000, and the fourth year $500,000.

2d. "Gradual increase of the navy and collection of materials," during the first year, $1,500,000, and each of the second, third, fourth, fifth, sixth and seventh years, about $2,417,000.

3d. "Repairs," about $1,000,000, say one million of dollars annually.

4th. Navy yards and dock, and other incidental heads of expenditure, $1,500,000 during the first year, and two millions and a half of dollars during the second year, and the like sum annually, till the necessary improvements be completed.

If an appropriation adopting these views were made, and the number and description of vessels recommended in our letter of the 2d ultimo were kept in commission without diminution or increase, then the annual naval expenditure, exclusive of the expenditure under "gradual improvement," but including $400,000 annually for the corps of marines, would be—

For the first year	$8,550,000
For the 2d, 3d and 4th years, each	10,667,000
For the 5th, 6th and 7th years, each	10,167,000
For the subsequent years, each	7,750,000

until the improvements in the navy yards should be completed to the extent desirable and necessary. All which is respectfully submitted. JNO. RODGERS.

The resolution of the senate is herewith returned.

Hon. *M. Dickerson, secretary of the navy.*

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 12—VOL. XIV.] BALTIMORE, MAY 21, 1836. [VOL. L. WHOLE No. 1,287

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

Our paper is almost filled with official documents, in relation to the state of affiairs with Mexico, &c.

—

Very destructive fires have happened at *Poughkeepsie* and *Greenbush*, New York, and on the island of *Nantucket*.

—

There will be found in subsequent pages some account of the progress and prospects of the "INDIAN WAR." The *Seminoles* are, again, in action; and have advanced, at different points, committing many ravages—and then as suddenly retiring, leaving a trace marked by conflagration and blood. They had even committed depredations at a very short distance from the capital, Tallahassee—to the great harrassment and disquiet of the people. The *Creeks* seem to be in state of complete insurrection—they had murdered *many* in Alabama in a most appalling manner; and, by fire, destroyed many improvements. Col. *Crowell* takes shelter every night in Fort Mitchell. Great excitement prevailed, and persons were hourly flying into the more densely populated settlements, leaving every thing behind them! It is probable that they will join the Seminoles, and, perhaps, aim at the "conquest of Florida!" These things, with events that will probably happen on the *Mexican* frontier, are exceedingly unpleasant, and must materially affect our march forward.

—

The Maryland "democratic state convention" met at Baltimore on the 18th inst. and responded to the nomination of *Martin Van Buren*, as president, and *Richard M. Johnson* as vice president of the United States, for four years, from the 4th of March next—and named their electoral ticket, &c.

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Both boards of the corporation of New York are *ti-ed*, and last week took about forty ballots, each, for presidents, without success. In one of them, however, a "whig" clerk had been chosen—9 to 7, in place of a Van Buren man, dismissed. Other ballots have been since made, with the same results.

The elections in *Virginia* have resulted in the choice of 76 Van Buren men, and 57 whigs.

—

A great litter of banks is before the New York legislature, amounting to *twenty-seven millions*—of which about 25, (with several additions to the capital of old banks), and amounting, in all, to $7,500,000 had been already incorporated; and the rest, it was supposed, would follow—for the simple purpose of promoting a "*gold currency!*" The work is not yet finished.

Offices of the bank of the United States, of Pennsylvania, will be speedily opened at *Erie* and *Beaver*, in that state.

During the recent session of the legislature of Massachusetts, $10,320,000 was added to the banking capital of that commonwealth. Capital of sundry banks chartered, $,6,720,000. Making the total bank capital of the commonwealth $40,830,000.

We have received a voluminous report in the legislature of this state, of the special committee, who have come to the conclusion, that the *Manhattan* company have *failed to supply the city with pure and wholesome water*, and that the charter ought to cease and be dissolved. They close the same by a resolution that the attorney general be directed to take such proceedings in the premises to procure a final adjudication upon the case. This report is one of a serious character, and we shall, with no little interest, watch to see how the company will escape, and hold on their banking privileges, as well as the public deposites. [*N. Y. Her.*

The banks of Cincinnati have come to the conclusion *not* to receive the notes of any of the banks *out* of that city. This, as it is stated in the Cincinnati Whig, causes the paper of other banks to be from 1 to 5 per cent. below par, which presents a fine harvest for its brokers.

The legislature of Maine, at their session just closed, incorporated about five-and-twenty new banks, although the state was very fully provided before. Such legislation is bad, very bad, and especially injurious to merchants. When there are so many banks, the money market will always be subject to violent reactions.

A bill for a two million bank, to be located in the city of New York, has passed the house of representatives of that state. The Commercial Advertiser states that Mr. Lawrence, the present mayor of New York, is to be president of the new institution.

Bank of England. Average of the month ending the 8th March.

Circulation	£18,570,000
Deposites	15,928,000
Bullion	8,201,000

—

Some idea may be formed of the rapidly increasing importance of the commerce of our *inland seas*, by the fact, announced in the Buffalo papers, of the launch of an elegant *ship of three hundred tons*, from Grand Island, on Tuesday. She is designed for a regular trader between Buffalo and Lake Michigan. Another ship of 350 tons is on the stocks at Buffalo.

—

The following communication from the author of the "Memoirs of Slater," is worthy of the attention of the public, and especially the cotton growers of the south.

MR. NILES:

Sir: In seeking information respecting the nankeen cotton, in which I perceived that some was darker than others, I was surprised to find that there were other varieties of color. Mr. Lyford, of Baltimore, first assured me of the fact, and gave me specimens of the cotton and of the seed, which was presented to him by a friend who gathered it in Chili; one a light nankeen, the other a beautiful brown, a specimen of which can be seen at Mr. Lyford's hotel. In further prosecution of my inquiries at Washington, Cary Seldon, esq. informed me, that, in settling the estate of commodore Thomson, it was found that he had brought from Chili, specimens of cotton, among which was found a beautiful *brown* and a bright *lilac:* he had also brought seeds of the different colors; and Mr. Seldon, on the discovery of the fact, distributed the seeds, with the specimens of the colored cotton, to the hon. Messrs. Forsyth, Dixon Lewis and Davis; who took pains to sow them the following season, but they were found too old to vegitate.

The death of com. Thomson prevented the valuable introduction which he intended for his country.

It is very important that this fact should be published, in order that more seed may be imported from South America, where there is no doubt of its existence, and probably in still greater varieties.

The nankeen cotton, so happily cultivated in Georgia, is found superior to the same article in China, and there is a probability that the other varieties may be introduced with great advantage. And if we can obtain all the varieties of the cotton plant, it will add to the importance of our great staple, and encourage the manufacturer to produce fabrics peculiar to America. I publish this fact, with the hope that efforts will be made, to procure the seed, that experiments may be made.

The cultivation of the cotton plant, so as to produce a finer staple, is a subject well worthy the attention of the planter. Yours respectfully, GEO. S. WHITE.

Philadelphia, May 13th, 1836.

—

MILITARY PREPARATIONS. The Pittsburgh Gazette says—We understand that major R. L. Baker, at the Alleghany arsenal near this city, has received orders to send immediately to Baton Rouge ten thousand muskets, a number of pieces of artillery, and a large quantity of ammunition, to supply the

troops, for which a requisition has recently been made. They are now being shipped on board the steamboat Emerald and a keel boat.

—

APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate, of officers for the territory of Wisconsin.

Henry Dodge, to be governor.
John S. Horner, to be secretary.
Charles Dunn, to be chief justice.
William C. Frazier, to be associate judge.
W. W. Chapman, to be attorney.
Francis Gehon, to be marshal.

—

A part of the French indemnity has arrived at New York, and chiefly in gold ingots.

—

BANK OF MARYLAND TRIALS AT BEL-AIR. The conspiracy case which was commenced on the opening of the adjourned term of Harford county court, on the first Monday of this month, was continued by the examination of testimony on the part of the state until Tuesday last week, when the counsel for the state abandoned the prosecution as untenable.

On Wednesday the case against Evan Poultney alone was taken up—the examination of testimony on the part of the state occupied the court and jury until noon Thursday. The defence was then stated by Henry Stump, esq. and the evidence in support of it consumed about half an hour—when, after an argument by Messrs. Bond and Gill for the state, and by Messrs. Constable and Scott for the defendant, the case was committed to the jury, who, after an absence of *eighteen minutes*, returned with a verdict *not guilty*.

On yesterday morning the only remaining indictment was abandoned by the counsel for the state, who announced to the court *their unanimous opinion entertained at all times since the pending of the indictment*—that the charge it contained was untrue, in point of fact, and could not be supported. [*Gazette.*

—

INTERESTING RELIC. A late London paper says—"*Benjamin Franklin*, whilst in London, pursued his business as a compositor with great ardour at the highly respectable establishment in Great Queen-street, Lincoln's-inn-fields, now conducted by John Cox and Sons, printers to the East India company. The compositor's case, occupied by Franklin, exists as when he left it."

—

The London Morning Chronicle says that the trade in Barilla, has now fallen into the hands of Americans, "who have already supplanted" the English in other branches of trade in the Mediterranean, and "will soon possess themselves of all the commerce of the Canaries."

LATEST FOREIGN NEWS.

From Liverpool papers to the 15th April.

GREAT BRITAIN AND IRELAND.

The fine equestrian statue of king William III, in the College Green at Dublin, was wantonly blown up with gunpowder about midnight of the 7th April. A Dublin paper of the 8th says—

The members of the corporation, horror-stricken at the event of this morning, met at their assembly house, William street, to-day. They resolved upon offering a reward of £200 for the apprehension and conviction of the ruffians who blew up the statue, and £50 for any private information that may lead to a discovery. May they not justly have apprehensions for their own security in such a state of affairs?

The quantity of powder used to blow up so mighty a substance (nearly thirteen hundred weight of lead) must have been immense. The lamps in the neighborhood were completely extinguished, and several panes of glass broken in the adjoining houses. The insolent tone of triumph assumed by the radical faction cannot but make a lasting impression on the lovers of peace and good order, who are now prostrated by the machinations of a wily and implacable foe. The lord lieutenant has been sending repeated messages to College street police office, where the investigation is held, for any information they may have received.

London, April 12. The wanton destruction of a very excellent work of art like the equestrian statue of king William III, in College Green, Dublin, which, as our Irish correspondent shows, was the other night blown up with gunpowder, would be an act of mere Vandalic barbarism if it were not inspired by religious bigotry and political malevolence. That statue, the symbol of the revolution of 1688, was a memorial of the deliverance of the civil and religious liberties of the British people from the grasp of a sullen and ruthless tyrant, who labored through his short and ignominious reign to prostrate the Protestant constitution, and the throne of a free people, at the feet of papal Rome. As such a memorial that statue has always been an odious thing in the eyes of that class of the Irish people who hate the principles which the restorer of Protestant freedom successfully asserted, and would rather be the slaves of the vassal-despot of the Romish power than the free subjects of a Protestant British king.

The price of cotton had declined at Liverpool ⅛*d*. There had been "a shadow of distrust in the money market" at London.

FRANCE.

A London paper says—

We learn from the Paris papers of Sunday that the debate of Saturday last, on the petitions to the chamber of deputies for the recovery of the remains of Napoleon, and their transmit to Paris, and for the repeal of the law which banishes his family from the soil of France, terminated in the reference of the first set of petitions to the minister of the interior, and in the rejection of the second. The discussion did not prove so interesting as the early part of it had promised, but it fully demonstrated the apprehensions of the king, in which the majority of the deputies sympathised, that the presence of the family of Napoleon in France might occasion a new struggle for the throne. Even the arrival of his ashes was deemed dangerous by the ministry, as likely to revive the affection of the nation for him who, when living, had been its idol; and although apparently defeated on the point, government will have completely succeeded, for the petitions referred to the minister will share the fate of their predecessors—that is, in homely language, they will be "cushioned."

The Courier Francais, states that the reports of the consuls to the government make known that the principal part of the Russian fleet in the Baltic has began to concentrate at Revel. New orders for the purchase of naval stores had been executed at Dantzic, to be transhipped to Holland, where it would appear the deposit is to be found. Every thing announced that a naval expedition was contemplated.

Of the 200,000,000 lbs. of sugar consumed by France annually, beet-root already supplies 80,000,000 lbs.; whereas in the year 1828, beet-root supplied not more than 16,000,000 lbs.

SPAIN.

The intelligence from the north of Spain given by the Paris papers is not important, but it is in one respect calculated to make the blood freeze with horror. An order of the day of general Bernelle, commander of the (French) foreign legion, in the service of queen Isabella, directs, in reprisal for the massacre of such soldiers of that corps as fell into the hands of the Carlists, that in future no quarter be given. A letter from Bayonne states that the town of Plencia had been taken from the Carlists by a body of men landed from the British squadron.

GERMANY.

The emperor has sanctioned the endowment by the patrician Albertini, of a Jesuit seminary for the education of youth, at Veroni.

TURKEY.

Advices from Constantinople of the 16th March, contradict the report that lord Ponsonby, had demanded his passports from the porte, in consequence of the latter refusing to afford facilities to the Euphrates expedition.

CRACOW.

Extract of a letter of the 23d ult. from Cracow:—"At the desire of the government of republic, 530 Polish refugees have gone to Podgoize; among them are two superior officers, 120 officers, 160 disposable officers, 11 private individuals, and about 300 soldiers. Very recently a number of other refugees, who did not comply with the order of the government, were arrested by Russians, who, according to their own expressions, drove them out like dogs. Those of the refugees who were born in the kingdom of Poland have been forced to return thither, and the others have been transferred under escort to Podgoize. The number sent to Russia, or into the kingdom of Poland, is not known. Twenty-three have been given up to Prussia, and conducted to the frontier of that kingdom by the Austrians, under the command of an Irishman named Weston, nephew of sir James Graham.

GREECE.

The king of Bavaria, in his voyage through the Archipelago, stayed some time in the island of Milo, where for a long period he has possessed a large estate, within the bounds of which are still standing the ruins of an amphitheatre. During his stay the workmen continued their excavations in the temple. It was in this spot that the celebrated Venus Aphrodisia was found, which was brought by Mr. Marcellaye, the secretary to the French embassy, and is now in the galleries of the Louvre, under the name of the Venus of Milo. Here also was found a statue of Mars, which was afterwards conveyed to Rome.

ALGIERS.

March 28. This day an expedition of 7,000 men, of all arms, has marched against Medeah, so that our domination will be established at all points. [*Lr. Paix.*

The Paris Moniteur of Algiers contains the following letter, written by the king of the French to marshal Clausel, on occasion of the success of the Mascara expedition:—

Paris, 18th January, 1836.

"My dear marshal—I am happy to be enabled to announce to you, that France appreciates, as I do, the most brilliant results of the mission I confided to your experience and ability. After having expressed to you as king, all my satisfaction, I wish also to thank you as a father. I know with what enlightened solicitude you watched over my son, and I delight to tell you how much I rejoiced to see that he worthily partook with you, and with the brave soldiers you commanded, all the fatigues and dangers of an expedition in which the honor of our arms was so gloriously maintained. Receive, my dear marshal, the assurance of all my sentiments for you. Your affectionate,

(Signed) LOUIS PHILIPPE.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

May 13. There appearing to be no quorum present at the usual hour of meeting—

Mr. *Grundy* moved that the senate adjourn—ayes 14, noes 8.

The senate then adjourned.

May 14. Mr. *Clayton*, from the committee on the judiciary, reported a bill for the adjustment of the accounts of Stockton & Stokes, and several other persons named; which was read a first and second time, and taken up for consideration in committee of the whole. Mr. *Clayton* and Mr. *Buchanan* stated, among other remarks on the subject of this bill, that the committee was unanimous in reporting it, and they hoped that it would be at once ordered to a third reading; and after a few remarks from some other gentlemen, and an unimportant amendment being made, the bill was accordingly ordered to be engrossed and read a third time.

Mr. *King*, of Alabama, from the committee for the District of Columbia, reported a recommendation of the committee that the senate agree to some and disagree to another of the amendments made by the house to the bill for the relief of the several corporations of the District of Columbia.

On motion of Mr. *King*, the senate proceeded to consider the amendments.

[Finally, says the National Intelligencer, the bill for the relief of the corporate cities of the District of Columbia has now passed both houses of congress, and in a shape which it is supposed the president of the United States will approve. It provides simply that the United States, instead of guarantying (as it now does) the payment of the interest on the Holland loan to the three cities, shall assume the debt to itself, receiving in trust, towards its eventual extinction, the stock belonging to the three cities, in the Chesapeake and Ohio canal, which money was borrowed to pay for. The cities are therefore henceforth to be relieved from the payment of interest on the debt, which has been an exhausting drain to them; the proportion of the principal debt due by Washington being one million of dollars, and that due by each of the other cities a quarter of a million of dollars.]

Mr. *Southard*, from the committee on naval affairs, reported a bill to establish a naval academy; which was read, and ordered to a second reading. The report was ordered to be printed.

Some other matters being disposed of, the senate adjourned.

May 16. Mr. *Shepley* presented a certificate from the governor of Connecticut of the election of *J. M. Niles*, to be a senator of the United States until the 3d of March, 1839, in room of the late *N. Smith;* which was read.

Mr. *Niles* was then sworn.

Mr. *Mangum* presented a series of resolutions adopted at a meeting of the citizens at Morgantown, North Carolina, concerning the recognition of the independence of Texas; which were read, and ordered to be printed.

These resolutions request the co-operation of Mr. *Preston* and Mr. *Clay* and Mr. *Benton*, in promoting the object sought for.

Mr. *Preston* made some remarks in return for the compliment, expressed his high gratification at the intelligence received this morning of the capture of Santa Anna, and the consequent termination of the war in Texas; his admiration of the skill and bravery by which this result had been obtained; adding his opinion, however, that the time had not come for the government of this country to interfere, until the Texians should have a government *de facto* to be recognised.

The bill for the relief of Stockton & Stokes and others, was read a third time, passed and sent to the house of representatives for concurrence.

Several bills were read and referred to committees.

The senate proceeded to the consideration of executive business—and, after sitting some time with closed doors, adjourned.

May 17. Mr. *Buchanan* presented thirteen petitions from the city and county of Philadelphia, praying that congress would take measures for the recognition of the independence of Texas; which were laid on the table.

Mr. *Naudain* moved that the committee of claims be discharged from the further consideration of the petition of ——— Wetmore. To account for the motion, he read a sentence from the memorial, in which the petitioner, in reference to a former application, expressed the presumption that his honor would not again be assailed, declaring his determination to punish an insult were it even in the court of heaven!!

Mr. *Webster* asked how it had happened that such a petition had been presented?

Mr. *Linn* said he could answer that question. He had hastily glanced over its contents, and the offensive words had escaped his notice. But had he seen them, he would not say that he should not have presented the petition. He had no objection to having a dozen such referred to him. He could let them pass for just so much as they were worth, and not bring them into importance by any specific reference to them.

Mr. *Webster* reminded the senator that there was a rule of the senate which required that every senator should be responsible for the respectful terms in which the petitioner addressed congress.

Mr. *Linn's* reply was not heard. He was understood to say that had he seen the language, the recollection of the rule would have induced him to refrain from presenting it.

The committee were then discharged from the further consideration of the petition.

Mr. *Ewing*, of Ohio, offered the following resolution:

Resolved, That the secretary of the treasury be directed to inform the senate what amount of transfers of the public money has been made by his direction, since the 30th of June last, from the Commercial bank of Cincinnati, and also from the Clinton bank of Columbus, to banks east of the Alleghany mountains, giving the date and amount of all such transfers, and the banks from and to which they were made. And, also, that he inform the senate what transfers are ordered from each of the abovenamed banks, and when and to what banks they are to be made. That he also inform the senate what amount of transfers were made to each one of the said banks in Ohio since the 30th of June last, and what amount, if any, is now ordered to each.

The resolution lies over one day, under the rule.

A good deal of minor or preparatory business was attended to this day.

May 18. Mr. *King*, of Alabama, rose and said that, as the morning business was terminated, he wished to state that, in consequence of information received this morning, it appeared that the Creek Indians, who had been for some time in communication with the Seminoles, have broken out into acts of hostility, butchering men, women and children in the settlements. In consequence of this information, he hoped the senate would consent to take up a bill to authorise the president of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons or mounted riflemen.

The motion having been agreed to, the bill was considered, the amendments proposed by the committee on military affairs were agreed to and the bill was ordered to be engrossed; and finally passed.

On motion of Mr. *Webster*, the senate proceeded to consider the bill making appropriations for the current expenses of the Indian department, for Indian annuities and other similar objects, for the year 1836.

Various amendments were made to the bill—when it was ordered to be engrossed, &c.

A bill to carry into effect in the states of Alabama and Mississippi the existing compacts with those states in regard to the five per cent. fund and the school reservations, was read a third time, and passed.

A bill to authorise the president to appoint three additional paymasters was read a third time, and passed.

The senate spent a short time in executive business, and then adjourned.

May 19. Mr. *Webster* offered the following resolution:

Resolved, That the president of the United States be requested to communicate to the senate, so far as in his judgment the public interest will permit, confidentially or otherwise, information of the present state of the negotiation between the United States and Great Britain, respecting the north eastern boundary of the United States; including all correspondence between the two governments not heretofore communicated to the senate; and those preliminary conditions, without which Great Britain declines to renew the negotiation as stated in the president's message at the opening of the present session, and which conditions he deems to be incompatible with a satisfactory adjustment of the controversy.

On motion of Mr. *King*, of Alabama, the senate proceeded to consider the decision of the house on the amendments made by the senate to the bill authorising the president to accept the service of volunteers, &c.

The house disagreed to that part of the amendment of the senate which assigned to the president and senate the appointment of the officers of such volunteers as may be accepted.

Mr. *King*, of Ala. moved that the senate insist on its amendment, which, after some discussion was agreed to.

On motion of Mr. *Calhoun*, a committee of conference was ordered to be appointed by the chair—yeas 20.

The resolution offered some days since by Mr. *Ewing*, from Ohio, calling on the secretary of the treasury for a statement of the transfers made from certain specified banks in Ohio to banks east of the Alleghany, &c. was, on his motion, taken up—and being amended, was adopted.

The senate then proceeded to the consideration of the fortification bill, on the merits of which Mr. *Wright* addressed the senate at length.

HOUSE OF REPRESENTATIVES.

Friday, May 13. A great deal of "private" business was attended to this day, [the National Intelligencer of Saturday says—

The *races* were, yesterday, owing to the combined influence of the fine weather and the competition expected from high-bred animals upon the turf, the great scene of attraction in this city. In consequence, the *senate*, not being able to make a quorum, adjourned without doing any business; and the *house*, which meets at 10 o'clock, was without a quorum after 12 o'clock, but continued to do business, by general consent, as if a quorum were present. We are not sure that this precedent may not grow into practice, and come in time to be common law, though against the constitution. It was Mr. *Whittlesey's day*, however, and the house has so much confidence in him that we verily believe they would be willing, if it were asked of them, to do the same by the whole batch of his bills, as our Franklin, when a boy, is said to have wished his father to do, when he begged him, instead of saying grace upon the daily dinner of salted meat, piece by piece, to say grace at once upon the whole barrel of it.]

Saturday, May 14. After other business—

The house proceeded to the consideration of the resolution reported by Mr. *Owen*, from the committee of ways and means, on the 12th of April.

On motion of Mr. *Owen*, the said resolution was amended to read as follows:

Resolved, That the bill (No. 436) reported by the committee of ways and means, regulating the deposite of the money of the United States in certain local banks, be made the special order of the day for the day next after the disposition of the appropriation bills, under the order of the 26th of *January last*, and that the said bill in relation to the deposite banks have precedence on the day after the disposition of the *appropriation bills*, and the *following days*, over all other business, until the same is disposed of.

A motion was made by Mr. *Vinton* to amend the said resolution, by inserting therein, after the words "following days," these words: "and after the several bills now on the speaker's table shall be disposed of."

Pending this motion, the house, on motion of Mr. *Whittlesey*, proceeded to the orders of the day, which were private bills.

The bill to authorise a compromise, and to secure to the U. States the title to the Pea Patch island, in the river Delaware, was read a third time; and the question being on its passage, a debate took place in which Messrs. *Dickerson*, *Howard*, *Peyton*, *Reynolds* and *Fuller* took part.

Mr. *Milligan* next took the floor. But,

On motion of Mr. *Underwood*, the house, at this stage of the debate, adjourned.

Monday, May 16. The bill for the distribution of the proceeds of the public lands, was partially considered, and then postponed. The bill for the relief of the cities of the District, was then taken up and the amendments of the senate considered, and finally passed. [See proceedings of the senate].

Mr. *Mason*, of Virginia, by general consent, reported the senate bill to provide for carrying into effect the treaty of limits between the United States of America and the Mexican United States, without amendment; which was read twice, and committed to the committee of the whole on the state of the union.

The house, on motion of Mr. *Mason*, then went into committee of the whole on the state of the union (Mr. *Howard* in the chair) on the above bill.

[The debate, in committee, on the above bill, ranged, after some discussion on its particular merits, to the general questions involved in the consideration of the late events in the province of Texas, and to various supposable modes of action, in the event of a successful termination of the war on the part of Texas against the United Mexican States; which is unavoidably omitted.]

After some debate, in which Messrs. *Wise*, *Mason*, of Va. *Peyton*, *Cushing*, *Calhoon*, of Ky. *Bouldin*, *Hoar*, *Vanderpoel* and *Halsey* participated. Adjourned.

Tuesday, May 17. Mr. *J. Q. Adams* asked the consent of the house to submit the following resolutions; which were read:

Resolved, That the president of the United States be requested to communicate to this house, if not incompatible with the public interest, copies of any overture made since the 3d of March, 1829, by his authority, to the government of the United Mexican States, for the acquisition by the United States of any portion of the territories of Mexico; and copies of all correspondence between the two governments relating thereto, and upon any question of boundary existing between the United States and Mexico.

Resolved, That the president of the United States be requested to communicate to this house, if not incompatible with the public interest, a copy and translations of any law, decree or ordinance of the Mexican republic, abolishing slavery within the territories thereof, which may be in possession of the executive department of the United States.

Objections being made, Mr. *Adams* moved the suspension of the rules, and thereupon asked the yeas and nays; which were ordered.

The question being taken, it was decided in the negative—yeas 74, nays 85.

An amendment made by the senate to a bill to carry into effect the convention with Spain, was disagreed to, on the motion of Mr. *John Y. Mason*.

Much incidental business was attended to. At last—

On motion of Mr. *Cambreleng*, the house resolved itself into a committee of the whole on the state of the union, (Mr. *Mann*, of New York, in the chair), and resumed the consideration of the bill making appropriations for fortifications for the year 1836.

The question being on the motion of Mr. *Cambreleng* to amend the bill by inserting a clause appropriating $700,000 for the armament of the fortifications—

Mr. *Maury* rose and delivered a speech of considerable length. On a motion for an adjournment, (at half past three), it appeared that a quorum was not present. A variety of motions was then made. After awhile—

Mr. *Wise* moved an adjournment; which was agreed to—ayes 75, noes 32; and then the house adjourned.

Wednesday, May 18. Mr. *Pinckney*, from the select committee on the subject of the abolition of slavery in the District of Columbia, by general consent, made a report, which he said had received the unanimous assent of the committee, and which he hoped would be unanimously approved by the house.

Mr. P. asked that the report be read; which was objected to.

Mr. *Claiborne* insisted upon the reading of the report; and it was read through to the conclusion, which is as follows:

"Your committee conclude by reporting the following resolutions, conformably to the instructions given them by the house:

"*Resolved*, That congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the states of this confederacy.

"*Resolved*, That congress ought not to interfere, in any way, with slavery in the District of Columbia."

"And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

"*Resolved*, That all petitions, memorials, resolutions, propositions or papers, relating, in any way, or to any extent whatever, to the subject of slavery or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

Mr. *Pinckney* said he was instructed to move that 5,000 extra copies be printed.

These proceedings gave rise to a variety of remarks on the report—

Mr. *Sutherland* was willing to print the report, if for no other reason, because the gentleman from South Carolina (Mr. *Pinckney*) had been accused of misrepresenting the sentiments of his constituents. He wished to have the people of South Carolina see it, that when the gentleman should return home, the people might know what he had done, and he might have before them the means of defence against such accusations. He replied to the remark that the report conceded that congress had a right to legislate upon the subject in the District of Columbia; and said that such a right had never been till recently denied. It had been expressly conceded by the states of Maryland and Virginia, and John Randolph had once presented a petition for the interference of congress on the subject.

He was not an advocate for the report. He would not pretend to say that it would suit him or his constituents; but he was satisfied it ought to be printed, to let the people know what the arguments were.

Mr. *A. H. Shepperd* said the report conceded every thing. It conceded the principle that congress has a right to interfere in the question of slavery in the District, and that was conceding the whole. There was some limit to the propriety of printing; and this was a case, he thought, in which the report ought not to be printed. It contains elaborate arguments upon every thing but the subject which ought to have been discussed. He objected to the arguments of the report and to both of the resolutions, and moved to recommit it to the select committee which reported it, with instructions to report a different resolution.

Many other gentlemen made some observations on the subject—but before they had all concluded, the special order of the day was called, and the fortification bill was taken up, and partially considered.

A message from the senate having been received, returning, with amendments, the "bill authorising the president of the United States to accept the services of volunteers, and to raise a regiment of dragoons or mounted riflemen"—

The amendments of the senate, with one exception, were concurred in—and that was rejected, 101 to 102.

Mr. *Cambreleng* asked leave to report a bill, which was objected to.

Mr. C. moved to suspend the rules, which was agreed to, and Mr. C. reported a bill appropriating $500,000 for the suppression of hostilities by the Creek Indians.

After some remarks on the bill, it was read a third time and passed, *nem. con.*

Thursday, May 19. After the presentation of memorials, resolutions, &c.

The house resumed, as the unfinished business of yesterday, the consideration of the report and resolutions from the select committee on the subject of the abolition of slavery in the District of Columbia.

And debate followed—which was arrested by a call for the orders of the day.

On motion of Mr. *Connor*, the house, in pursuance of a special order to that effect, went into committee of the whole on

the state of the union, (Mr. *Sutherland* in the chair), upon the "bill to change the organization of the post office department, and to provide the more effectually for the settlement of the accounts thereof."

The bill was read by sections, and some amendments were proposed by Mr. *Connor*, and agreed to.

Other amendments were proposed and debated, and occupied the house until a late hour—7 o'clock.

[Pending the discussion of the post office bill, a message was announced from the senate, and the speaker resumed the chair, for the purpose of receiving it.

The message was that "the senate insist on their third amendment to the bill entitled 'an act authorising the president of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons or mounted riflemen,' which has been disagreed to by this house, and ask a conference on the subject matter of the disagreeing vote of the two houses on said amendment."

On motion of Mr. *Speight*, the house, by general consent, took up the subject for consideration.

Mr. *Lewis* moved that the house agree to the appointment of a committee of conference on its part.

The motion was agreed to, and it was ordered that the committee, on the part of the house, consist of five members.]

MR. BENTON.

The following is a part of a strange speech delivered by Mr. *Benton*, in the senate, against the land bill, on the 27th of April ult. Are all the things—the direful things foretold by him to come to pass in the event of the deposite banks being required to return to the people a small part of the *people's money* which they have "monopolized?" The sum is larger than "*some of the deposite banks can pay.*" A beautiful story is this! They "*must all break,*" if the project be persevered in! One step further, and the "deposite banks" may say—we shall pay you "*sixty days after convenience!*" A good deal of the money lent to these banks, without interest, will never be returned into the public treasury. It will take some of the rest of them years to prepare a return of it—and in the mean time the "currency" will become more and more deranged. Vast piles of bank notes are now at 5 or 6 per cent discount!

Mr. *Benton* said—For the present, it could not be overlooked that the whole structure of the bill is changed: it is no longer a bill to divide the proceeds of the lands in future and for five years to come, but it is to reach back into the treasury, to travel back through the years 1835, '34, '33, and to gather up all the proceeds of the land sales for these three past years, and commence dividing this mass on the 1st day of July, and divide one-fourth on that day, one-fourth the 1st of October, one-fourth the 1st of January and one-fourth the 1st of April, 1837. To these divisions are to be added the amounts received from lands this year and next year. It is expected to begin the division upon 28 millions in July, and finish 38 millions by the 1st of January next. Now what is the object and effect of all this? Is it the object to take *all* the money for distribution, and leave nothing for defending the country? *Is it the object to break all the deposite banks? Is it the object to distress the country, by making the deposite banks call in all their loans in six months? Is it their object to ruin the currency by enabling whig states to draw their distributive shares in specie, compelling the banks to stop payment, and then calling for the bank of the United States, as the only remedy for the evil. Whether this is the object, it will be the effect; and to do all this, it is necessary to reach back three years to find money in the treasury, which is not there, and thus make a larger sum for distribution than the deposite banks can pay.*

The revenue of the year 1833, were received by the bank of the United States, and have been expended in the public service; no part of those revenues were ever transferred to the deposite banks; they all remained in the bank of the United States until expended; yet this bill, in its mass of deceptions and fallacies, assumes that the deposite banks received all the revenue for the year 1833: has separated the land revenue from the custom house revenue; has saved that land revenue to the present day; and now has it in a separate pile by itself, to be divided out! These are the assumptions of the bill, while the realities are that part of this land revenue never was received at all by the deposite banks; what they actually received for 1833, has been paid out, and what they have got, is the revenue of the country. The land receipts are in the mass of the revenue, and professing to divide the proceeds of the lands, the revenue itself is taken! and it is taken for three years back, in order to raise an immense sum for instant division! such a sum as is expected to tempt the cupidity of distributees beyond resistance, *to ruin the president if he vetoes the bill, and ruin the deposite banks and the currency if he does not.* Mr. B. said it was a bill to revive the tariff, to re-establish the bank of the United States, and to crush president Jackson, and all who opposed it, by mere dint of money!

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But the "*Globe*" of last week says—

In relation to the public money in the deposite banks, the opposition have changed their tone again, and through their hired letter writers here, they are sounding the alarm, that the banks cannot pay over the public money in their hands at all, and that it is all lost to the country. Now, we venture the assertion, that there is not a single deposite bank which cannot pay over every dollar of the public money on deposite with it in ninety days, in the following instalments, viz: one-fourth at *sight;* one-fourth at *thirty days sight;* one-fouth at *sixty days sight*, and the other fourth at *ninety days sight.* If the opposition doubt that there is a single bank that cannot do it, name the bank, and we pledge ourselves to prove our assertion.

THE CREEK INDIANS.

In the proceedings of congress it will be seen that there are some mention of hostile doings on the part of the *Creeks.* The following are some of the accounts received.

From the National Intelligencer of the 19th inst.

The subjoined letters, owing to the source of them, give more alarming signs of the hostility developing itself among the Creeks, than any thing else we have seen. It is distressing to think of the suffering and waste of human life which will certainly follow, if the Creeks are faithless and mad enough to engage in hostilities against their white neighbors:

Copy of a letter from col. Crowell to the gov. of Alabama.

Fort Mitchell, (Ala.) May 9, 1836.

SIR: I arrived at home yesterday, and found the neighbors considerably alarmed about Indian depredations; and in order to satisfy myself of the intentions of the Indians, I despatched a messenger after some of the principal chiefs to come and see me, for the purpose of ascertaining from them what their people intended. The chiefs have not come, but sent me word that their young men were bent upon war, and had assembled in the swamp near the Federal road, with the view of attacking any troops that might march into the nation.

I have satisfied myself that they contemplate mischief, and, without military aid, the settlers must be driven from their homes with a great loss of property, if not their lives. I have thought it my duty to give you this information, that you may call into immediate service a sufficient force to put those Indians down, and protect the lives and property of the settlers.

I have the honor to be your obedient servant,

JOHN CROWELL.

N. B. Four persons have been killed in the last few days, and many negroes taken off. J. C.

—

Letter from a citizen of Georgia to a member of congress, dated

Columbus, 10th May, 1836.

It is with feelings of deep sympathy that I address you. Our Alabama neighbors are now pouring into this city with the greatest possible precipitation. Several men, women and children are murdered on the road, in making for this place. Small children are picked up, wandering in the forest; not able to tell who their parents were. Such a state of misery and distress I never before witnessed. Nothing, as yet, has been done by the Alabama military. The Indians are going from one plantation to another, destroying every thing that they cannot convert to their use. The head chief has been waited on by some of our citizens to know the intentions of the Indians; and he stated, unequivocally, they were determined on war, and that he could not prevent it; and for us to be on our guard. It is somewhat feared our city will be attacked by them. At this moment we are poorly provided for defence, but hope to be in a few days. All those fine farms which a few days ago promised so much reward to the owners, are deserted: the fencing thrown down, the inmates of the houses either killed or run away, they present now nothing but a dreary waste. The time has now arrived when nothing short of conquest and immediate *removal* or *extermination*, will give peace and stability to our agricultural neighbors.

[Columbus is on the eastern bank of the Chattahoochie, the river which divides Georgia from Alabama. Fort Mitchell is on the west bank of the same river, about 15 miles above Columbus. *Nat. Int.*]

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From the Globe.

Copy of a letter to the adjutant general, dated

Fort Mitchell, Alabama, May 7th, 1836.

SIR: It has just been reported to me that colonel Flournoy was shot dead by Indians they day before yesterday, about fifteen miles below this post. I am also informed that a report is currently circulating among the Creeks, that the Seminole Indians have defeated the whites in their operations in Florida. This report will no doubt embolden them to many acts of hostility that they would not otherwise dare commit.

A constant communication must be kept up between them, as the Creeks are conversant with every transaction that occurs in Florida. Marshal, the half bred, says he is apprehensive mischief will be done by the Indians before long. Other friendly Indians are of this opinion. Opothleyoholo, principal of the upper Creeks, says he cannot keep his people together, or restrain them.

A runner has this instant arrived and informed me that another white man was shot in his bed last night by Indians—that many guns were heard in the neighborhood during the night, and other whites are supposed to have fallen victims.

I am sir, your obedient servant,

(Signed) J. S. McINTOSH, *bvt. maj. 4th infantry.*

Gen. *R. Jones, adjutant gen. U. S. Army.*

The Columbus Herald of the 3d inst. says: "A letter now before us from an overseer in Alabama, to his employer in this place, gives information of a small brush between a party of Indians, and a few white men. It occurred at the Oswitchee

bend, fifteen miles below this place. The planters generally have removed their women and property from that part of the nation. We have not room for further particulars this week. The citizens will hold a public meeting in Girard, Ala. to consider this subject to-day."

☞There are many corroborating accounts.

Uchee Creek, Russell co. Ala. May 8, 1836.

To *gen. McDougald.*

DEAR SIR: At a meeting of the citizens of Russell county residing on Uchee Creek, the undersigned were appointed a committee to address you as a chairman of a meeting of the citizens of Columbus, held some time since, at which meeting the citizens of Columbus pledged themselves to march to our relief, whenever occasion should require. We think, sir, the emergency has now arrived, when your gallantry would be of use to us. Our governor has done, and will do nothing. *Our citizens have been murdered!* and we are unable to avenge their blood!! We were, many of us, once *Georgians*—we are your brethren—but we are unable to invite you to a feast, we cannot furnish a large number of men even the common necessaries of life—but we shall hail you as our deliverer, and our women and children will rise and call you blessed. Most respectfully, your obedient servants,

Robert Adams, Matthew Turner, W. W. Pitts, John B. Tate, H. B. Green, Nimrod Long, committee.

FROM TEXAS.

We had "great news" from Texas, on Monday last. It was said, (and the authority of names given), that general *Houston* had attacked a body of Mexicans, (separated from their main body by a sudden rise of the waters of the Brassos), under the immediate command of *Santa Anna*, and killed 8 or 900 of them and made prisoners of the remainder, 500 more, including *Santa Anna* himself, who, with his principal officers were immediately shot—and all with the loss of only 6 killed and 20 wounded! *Houston's* whole force, engaged being only 600 men. And to this account was added a note from general *Gaines* to the secretary of war, giving his opinion that the reports were "no doubt" correct, &c. Indeed, the statements were made in such a circumstantial manner that they met with a general belief. But on Wednesday we had the following from New Orleans, being of *two days later* date than the preceding accounts received from the same place.

From the New Orleans Advertiser of May 5.

Texas. By a gentleman who arrived yesterday, we are credibly informed that Santa Anna has not been taken prisoner, much less sentenced and shot, as stated by a contemporary journal. Our informant stated that there had been a fight, or more properly speaking, a skirmish, between a body of the Mexican army and another of the Texians, which terminated in the total route of the former, with loss on both sides, but principally on the part of the Mexicans; and that Santa Anna, so far from being in the engagement at the time, was, and is, in the city of Mexico.

The following is the proclamation of the president of Texas prohibiting the admission of slaves into that territory.

"PROCLAMATION.

"*Whereas*, the 8th article of the general provisions of the constitution of the republic of Texas, provides that the "importation or admission of Africans or negroes into this republic, *excepting from the United States of America*,* is forever prohibited and declared to be piracy:" *And whereas*, the African slave trade is equally revolting to the best feelings of our nature, and to the benign principles of the Christian faith, is equally destructive to national morals and to individual humanity; and

Whereas, the most enlightened and powerful nations of Christendom are exerting both their moral intelligence and physical power, to suppress that odious and abominable traffic; and

Whereas, it is the imperative duty and the high privilege of the government of Texas, to contribute in all practicable and legitimate means, to the effectual prevention, in its own jurisdiction, of a trade, so atrocious and disreputable; therefore,

I, David G. Burnet, president of the republic of Texas, by and with the advice and consent of my cabinet, and in accordance with the 8th article of the constitution aforesaid, do command and require all officers, naval and military, and all collectors and other functionaries of the government, to be vigilant and active, in detecting and defeating any attempt to violate said article; and to seize, arrest and detain in safe custody, any person or persons that may be found violating or attempting to violate, the same; and to stop, seize, take possession of and detain, any vessel or vessels, with their equipment, tackle, &c. and any boats or other water craft, of any description, attached thereto, on board of which any Africans or negroes so attempted to be imported in contravention of the said 8th article, may be found; and to detain any and all such negroes wherever found, until the further decision of the government can be had in relation thereto: *Provided*, that any officer making such seizure, &c. shall as soon as may be practicable, report the same, with the relative facts, to the secretary of the navy.

*"Excepting from the United States of America." This is a singular phraseology.

Done at Harrisburg, this 3d day of April, 1836, and of the independence of the republic the first.

By the governor: DAVID G. BURNET.

Bailey Hardeman acting secretary of state."

FROM FLORIDA—OFFICIAL.

From the Globe.

The following letter from general *Scott* to the secretary of war, gives the latest intelligence of the operations of the army in Florida:

Head quarters army of Florida, Picolata, April 30, 1836.

SIR: For the information of the war department, I have the honor to report my arrival here yesterday.

My last report was dated at Tampa Bay the 12th and 13th instant. The right wing and centre of this army moved from that place on the 14th, as did also the South Carolina mounted regiment. The foot of the same wing (the left) had remained encamped for twelve days about fifteen miles from Tampa on the Fort King road, and the Florida battalion commenced embarkation for the mouth of the Wythlacoochee on the 17th. I left Tampa the same day, and joined the foot of the left wing with which I marched to Fort Alabama, on the Hillsborough. Here on the next day we were rejoined by the South Carolina mounted regiment from its expedition to the head of Peas creek, where no Indians and no recent trails were found. Col. Goodwin, the commander, however, discovered and burnt an extensive town on the left bank of that stream.

On the 28th the left wing passed the big Wythlacoochee, where we found the centre engaged in constructing a defence for its baggage train, preparatory to entering and scouring the forks of the Wythlacoochees, whilst the right wing was advancing by the core and the left bank of the main river.

I continued to march with the left wing *via* the scene of Dade's massacre, Pelaklekaha and the upper crossing of the Ocklawaha. On the night of the 22d, our camp was fired upon by a party of six or eight of the enemy. One man and two horses were slightly wounded. At daylight a detachment of horse was put in pursuit of the enemy; but at the end of a few miles the trail was lost between some of those hammocks, swamps and ponds, which everywhere abound.

Another small party of the enemy was met on the morning of the 24th, and which might have been cut off from the nearest hammock but for a false movement made by the company of horse constituting the advance guard. The horses and packs of the party were captured; but after halting, and scouring a succession of hammocks, which were, as far as practicable, surrounded by the horse, we found ourselves eluded by every Indian. I mention these mortifying incidents to show the character of the enemy and the nature of the country. The foot broke into hammocks where a goat could not penetrate, and the horse rapidly took up the positions assigned; but the enemy, in all such cases, contrived to escape by secret passages which afterwards can but rarely be found.

When at the distance of twenty-three miles, I took an escort of two mounted companies, and proceeded to Volusia on the 24th. Finding there the United States steamer the Essayons, I embarked in her, and with a guard of only seventeen men determined to penetrate, by the St. Johns, the southern part of the peninsula as far as practicable. Colonel Gadsden, captain Canfield and lieutenant Johnston accompanied me, to note the course and depth of the river, together with the general topography of the country. We found no difficulty in passing up to the head of Lake Monroe, and might have carried to that point a draft of eight or nine feet of water. The distance ascended is two hundred miles from the mouth of the river, and sixty from Volusia. We found the river beyond the lake nearly as bold as below, and if we could have crossed the bar at the entrance, we do not doubt that we might have gone fifty or seventy miles farther towards Cape Florida; but unfortunately our boat drew more than four feet, and we only found four on the bar.

This reconnoisance was made with a view to several objects; I was anxious to discover whether the Indians had any settlements on the upper part of the river; to find out the place of concealment for their women, children and negroes; to give to the well disposed among the latter an opportunity of communicating with us; to observe trails and crossings, and particularly to find a good point as far in the interior as practical for the establishment of a new post before the recommencement of active operations on our part. Such point we found about eight miles below Lake Monroe, on the east bank. A leading trail passes through it. Here we took the ferry canoe in ascending, and here, on returning, a sharp fire was thrown in upon us by a party of ten or fifteen Indians who lay concealed in high grass on the west side. But for their timidity, they might have killed the four officers who were standing exposed on the bow of the boat. They fired from a distance of three hundred yards.

Brigadier general Eustis arrived with the body of the west wing at Volusia on the 25th. The garrison he had left there under major Gates had been sharply attacked on the 14th by perhaps eighty Indians; two of our men who happened to be outside were killed; and possibly the enemy lost as many; but no sortie was made.

Before the arrival of Eustis, I had planned an expedition to Spring Garden, consisting of two companies of horse that had escorted me, and sixty volunteers of the garrison. The de-

tachment returned without discovering any recent signs of the enemy.

All the volunteers of the left wing marched under colonel Goodwin on the morning of the 28th, for St. Augustine *via* Tomaka, &c. Brigadier generals Eustis and Bull both being much indisposed, came down the river with me. The regulars were left to garrison Volusia and to superintend the evacuation of the post, which had become extremely sickly. Many cases of malignant bilious fever had occurred, which, in the opinion of some of the physicians, threatened the approach of the yellow fever. By the aid of two boats, the Santee and the Essayons, the evacuation may be completed in a week. Colonel Goodwin, and the two regiments of volunteers, may be expected to reach St. Augustine, with the baggage train, in four days from this time. He will pursue any fresh Indian trail he may cross.

I have had as yet no report from brigadier general Clinch. I learn, however, unofficially, that he reached Fort Drane on the 26th, without finding in his march any party of the enemy exceeding fifteen or twenty.

From colonel Smith, who, with the Louisiana volunteers, went on an expedition up the Peas creek *via* Charlotte harbor, nothing had been heard when I left Tampa Bay. I may receive his report, *via* St. Marks and Tallahassee, in ten or twelve days. One from major Reed, who commanded the expedition up the Wythlacoochee, (from its mouth), may be expected in the same time, and also a third from colonel Lindsay. On the receipt of all these reports, I shall be able to form a pretty accurate opinion of the measures to be pursued to put an end to this war, which must be recommenced at a better season, and with very different means. On our side, so far, nothing of importance has been achieved.

I am more than ever persuaded that the whole force of the enemy, including the negroes, does not exceed twelve hundred fighting men. It is probably something less. Of that force I am equally confident that not five hundred have at any time, since the commencement of hostilities, been brought within the same ten miles square. In all our operations within the last thirty days, we have not found a party of more than perhaps one hundred and thirty; but parties of from ten to thirty have been encountered almost everywhere. No Indian woman, child or negro, nor the trace of one, has been seen in that time. Those non-combatants, it has been evident to us all, have been removed beyond the theatre of our operations. They were, no doubt, even while the parley was going on with gen. Gaines on the 7th March, moving off to the south east, beyond Peas creek and Lake Topkelika, and in that almost inaccessible region they are now concealed. That officer, it is said, caused Powell and his chiefs to be informed, by way of inducing them to agree to accept Wythlacoochee as a temporary boundary, that large armies were approaching, which would fill up the Indian country, or crush every thing in the way. The wily chiefs profited by the information; sent off their families, and dispersed their warriors into small parties. In this way Powell expects to make good his threat, viz: *that he would protract the war three years.*

To end this war, I am now persuaded that not less than 3,000 regular troops are indispensable; 2,400 foot and about 600 horse: the country to be scoured and occupied, requires that number. I have no particular desire to conduct the operations of the new forces. That is a duty which I shall neither solicit nor decline.

Of the 3,000 *good* troops (*not* volunteers), five hundred will be necessary to garrison five posts for the deposit of supplies, say one on the St. John's seven miles below Lake George; one up the Peas Creek, say fifteen miles above Charlotte harbor; one at Tampa Bay; one twelve miles from the Gulf of Mexico, up the Wythlacoochee; and on the same river, near the Fort King road; with one hundred and sixty thousand rations deposited at Tampa Bay, and thirty or forty thousand at each of the other posts. Five columns with haversacks, and a few one-horse carts, may operate securely and with every prospect of success, at least to the north and west of Charlotte harbor. For the country below, additional means will be wanted viz: two or three steamers of a light draft of water, and fifty or sixty barges of different sizes, capable of carrying from ten to fifteen men each.

I give these items, in order, if approved, that the necessary appropriations may be asked at once. I beg leave to add, in haste, that new regiments, or regiments of recruits, would be worth little or nothing in this war. I will, therefore, earnestly recommend, that the companies of the old regiments be extended to eighty or ninety privates each. Recruits mixed up with old soldiers in June or July, would become effective by the first of December; and I repeat, that operations cannot be carried on by any troops whatever, in this peninsula, except between the 20th of November, and the end of April. The intermediate period is too hot or too sickly to be endured.

The boat is about to depart, and I must, for the present, conclude.

At the end of January, I asked for troops of the governors of several states. The last of the South Carolinians arrived at St. Augustine the 9th of March, and at Volusia the 25th; the Georgians, in part, arrived at Fort Drane about the same time; but six companies of horse not till the 9th of this month—after the campaign was nearly over. As it was impossible for them to join either of the columns, lieutenant colonel Crane sent them back to their homes. The Alabama regiment that was expected to reach Tampa Bay about the 25th of February, did not reach that place till (I think) the 13th of March. These extraordinary delays it was impossible for me to foresee or guard against.

A portion of the Georgians have just arrived here to embark for their homes, and the remainder of the same quota will follow. The South Carolinians will be discharged at St. Augustine and Jacksonville.

I shall write again by the first opportunity. In the mean time I shall, here or at St. Augustine, await the orders of the department.

I remain, with great respect, your most obedient servant,

WINFIELD SCOTT.

Brig. gen. R. Jones, adj't gen. U. S. army.

The schr. Bushrod, capt. Houston, arrived at Charleston, on the 8th inst. from St. Augustine, in 3 days, having on board 54 volunteers from Florida. The following gives the latest news from the territory.

Office of the Herald, St. Augustine, May 5, 1836.

The left wing of the army arrived in town on Saturday afternoon last, from Tampa Bay, via Volusia. The objects of the campaign have not been accomplished. The Indians have scattered throughout the country, and are in small detached parties. A few of them were met by the army, and some skirmishing took place between them. The Indians were hovering about the army, and fired into the camp several times, but one Indian is killed that is known certainly.

Fort Alabama, on the bank of the Little Wythlacoochee, sustained several attacks.

Camp Shelton, 11 miles from Tampa Bay, was also attacked and one man wounded.

Major Cooper of the Georgia battalion, with 350 men, was stationed on the road between Fort Drane and Tampa Bay, with 17 days provisions, was attacked by about 500 Indians every day, until relieved by gen. Clinch on the 17th day.

Gen. Scott ordered a quantity of provisions into the Wythlacoochee, by sea; and capt. McLemore, with 75 men, went with them—they were landed within 18 miles of Clinch's battle ground, and 38 men left to guard them, and it is feared that they have suffered a similar fate to that of the gallant band under major Dade. It is reported that a council of war was held at Fort Drane, and it was decided to be impossible to relieve them. We hope there are no grounds for this report.

That there has been an understanding between Creeks and Seminoles, there are some grounds for believing. A silver whistle was found on the Wythlacoochee, which was recognized to belong to a brother of capt. Elmore, who was travelling through the Creek nation last summer, when he lost it. The owner's name was engraved in full upon it.

Generals Scott and Eustis arrived here on Saturday night last.

POST OFFICE DEPARTMENT.

Division of accounts, April 26, 1836.

To the postmaster general:

SIR: I have the honor to report, that there is now in banks, subject to the checks of this department, the sum of $216,096 78. Most respectfully, your obedient servant,

ROBERT JOHNSON, *accountant.*

To show the cash means of the department, the sum of $41,934 07 paid during the last year for extra clerk hire, and to be refunded from the treasury as soon as the appropriation bill passes, must be taken into consideration, viz:

Cash in sundry banks	$216,096 78
Due from the treasury	41,934 07
	$258,030 85
Checks signed this day for paying balance of bank debt	100,000 00
Leaving cash means to the amount of	$158,030 85

OFFICIAL PAPERS

Presented in the house of representatives on Saturday last, by the chairman of the committee of ways and means.

War department, Jan. 23, 1836.

SIR: I am instructed by the president to request that you would repair to some proper position near the western frontier of the state of Louisiana, and there assume the personal command of all the troops of the United States who are, or may be, employed in any part of the region adjoining the Mexican boundary. It is not the object of this order to change at all the relations between yourself and the military departments under your command, but to require your personal presence at a point where public considerations demand the exercise of great discretion and experience. An order will be issued without delay to the sixth regiment, to proceed to Fort Jesup; and this force, together with all the troops in the western part of Louisiana, and in the country west of the Mississippi and south of the Missouri rivers, will be employed, as occasion may require, in carrying into effect the instructions herein communicated to you.

The state of affairs in Texas calls for immediate measures on the part of the government. It is the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected. It is possible that the course of operations may induce one or other of the contending parties to approach the boundary line, with a view to cross it in arms. Should you find that the case, you will give notice to the persons having

the direction, that they will not be permitted to cross into the territory of the United States; and if they attempt to do so by force, you will resist them with the means at your disposal.

The 33d article of the treaty with Mexico requires both the contracting parties to prevent, "by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries, so that the United States of America will not suffer their Indians to attack the citizens of the Mexican states," &c.

The provisions of this article you will cause to be faithfully enforced, and the various Indian agents and the officers of the Indian department in that region will be required to furnish you any information in their power in relation to this matter, and to carry into effect any instructions you may give. You will make known to the various Indian tribes inhabiting that part of the United States, the determination of the government to prevent any hostile incursions into Texas, and you will call upon the chiefs to inculcate upon all their people the necessity of carefully abstaining from any violation of the above-mentioned engagement, and you will not hesitate to use the force at your disposal for the purpose of preventing any such designs.

Should you be called upon by the civil authority for any aid towards enforcing the laws having relation to the neutral duties of the United States, you will render such assistance as the laws prescribe.

You are requested to communicate freely with the district attorneys of both the districts of Louisiana, on all points of law connected with the execution of the instructions, and those officers will be desired to give you their opinion.

I will thank you to keep me advised of any occurrences in that quarter, which it may be important for the government to know. Very respectfully, your obedient servant,

LEW. CASS.

Major general E. P. Gaines, Memphis, Tennessee.

—

Head quarters western department, Baton Rouge March 29, 1836.

SIR: I have received, not until yesterday, an official copy of your letter of the 23d January last, by which I have the satisfaction to be informed that the president of the United States has been pleased to direct my immediate attention to the western frontier of the state of Louisiana, in order to preserve, if necessary, by force, the neutrality of the United States.

In obedience to this order, I have availed myself of the very first S. B. conveyance that offered after the receipt of the order to proceed to Baton Rouge, to enable me to ascertain to what extent the arsenal there will furnish ordnance and ordnance stores for the prompt and efficient discharge of the duties assigned to me—duties which derive great importance from the recent accounts of the sanguinary manner in which the Mexican forces seem disposed to carry on the war against our Texian neighbors. (See the accompanying newspapers).

Upon this point I take leave to suggest whether it may or may not become necessary, in *our own defence*, to speak to the contending belligerents in a language not to be misunderstood—a language requiring *force* and military supplies that shall be sufficient, if necessary, for the protection of our frontier, to check the savage operations of each of the contending parties who may forget to respect the laws of war and our neutral rights, until Mexico and the United States shall, by an adjustment of existing difficulties, put an end to scenes of barbarism which cannot but endanger the peace and other vital interests of all the parties concerned—scenes of barbarism disgraceful to all who enact or tolerate them.

Should I find any disposition on the part of the Mexicans or their red allies to menace our frontier, I cannot but deem it to be my duty not only to hold the troops of my command in readiness for action in defence of our slender frontier, but to anticipate their lawless movements, by crossing our supposed or imaginary national boundary, and meeting the savage marauders wherever to be found, in their approach towards our frontier.

Should I err in this view of the subject, in which, however, I am convinced the laws of war and nations will bear me out, I shall be gratified to receive the views of the president, to which I shall scrupulously adhere. But if it be otherwise, if my own views are approved, I shall, in that event, have occasion for some mounted volunteers, with other forces sufficient to make my numerical strength equal to the estimated strength of the contending parties, which is now estimated at eight thousand to twelve thousand men, (8,000 to 12,000 men). With a view to this possible emergency, I have already desired the fine legionary brigade, commanded by general Planche, of the city of New Orleans, *to calculate on the possibility of my having occasion to invite the legion to join me.* To this suggestion the officers of the legion, with the gallant general at their head, cordially responded that they would, whenever it might be deemed necessary, promptly repair to the frontier, delighted with the opportunity of carrying into effect the wishes of the president, under whose immediate command many of these officers had distinguished themselves in the defence of their city and state in the memorable triumphs of December, 1814, and January, 1815.

All which is submitted for the information of the president of the United States. With profound respect,

EDMUND P. GAINES, *maj. gen. commanding.*

To the hon. *Lewis Cass, secretary of war.*

P. S. I arrived at the city of New Orleans at 7 A. M. and departed therefrom on board the steamboat at 7 P. M. yesterday, having taken my passage on board the steamboat the *Levant*, bound from New Orleans for Natchitoches, and to be at Baton Rouge on the 1st April, Friday next. E. P. G.

—

Washington, April 25, 1836.

SIR: Your letter of the 29th ultimo, was received at the department a few days since, but I have been prevented by indisposition from giving it an earlier answer.

I enclose for your information a copy of the memorandum of an official conference between the secretary of state and the Mexican minister, respecting the present state of affairs upon the south western borders of the United States. You will consider, as a part of your instructions, the declaration made by the secretary of state, and govern yourself accordingly.

It is not the wish of the president to take advantage of present circumstances, and thereby obtain possession of any portion of the Mexican territory. Still, however, the neutral duties as well as the neutral rights of the United States will justify the government in taking all necessary measures to prevent a violation of their territory. Recent events induce the belief that the Mexican forces, as well as the inhabitants of Texas, must be in a high state of excitement. In that portion of the country, there are many Indian tribes whose habitual predisposition to engage in war is well known, as is, also, their reckless disregard of any of the claims of humanity. And from information which has reached the government, there is too much reason to believe that efforts have been made to induce these Indians to join the Mexican troops. It may, therefore, well be, as you anticipate, that these various contending parties may approach our frontiers, and that the lives and property of our citizens may be placed in jeopardy. Should this be the case, the president approves the suggestion you make, and you are authorised to take such position, on either side of the imaginary boundary line, as may be best for your defensive operations. You will, however, under no circumstances, advance farther than old Fort Nacogdoches, which is within the limits of the United States, as claimed by this government. But you will please to observe, that this permission will not be exercised, unless you should find such an advanced position necessary, to afford due security to the frontier, in consequence of the unsettled state of things beyond you.

You will please to explain, fully, your views and instructions to any armed parties who may be marching towards you; and should they continue to threaten your position, or to manifest a design of crossing into the United States, you are authorised to attack and repel them.

I have this day, by direction of the president, requested the governors of Louisiana and Mississippi to call into service any militia force you may find necessary for the protection of the frontiers. This force must be called out for a term of not less than six months from the day they reach their rendezvous, to be discharged at any time by the United States. The necessary means will be furnished to the officers of the proper staff departments, for such supplies as may be required.

I need hardly say that the duty committed to you is one of great importance, as well as of great delicacy; and I do not doubt it will be executed as to preserve, on the one hand, the proper safety of the frontier, while, on the other hand, as little cause of offence as possible will be given to any foreign authority. I have to request that you would keep me regularly advised of your proceedings. L. C.

Gaines, major general E. P.

[Copied from the letter-book of the war department.]

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Department of state, Washington, April 23, 1836.

SIR: In compliance with your request, I have the honor to transmit a memorandum of the substance of what I stated in an an official conference, on the 20th instant, with Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic to the United States. I have the honor to be your obedient servant, JOHN FORSYTH.

The hon. *Lewis Cass, secretary of war.*

Memorandum for Mr. Gorostiza, of what was said to him by Mr. Forsyth, in their conference on the 20th of April. 1836.

Mr. Forsyth stated to Mr. Gorostiza, that, in consequence of the contest in Texas, the movements of some citizens of the United States on the Red river, and apprehended hostile intentions of the Indians in Mexico against the United States, and of the Indians within the United States against Mexico, orders would be given to general Gaines to take such a position with the troops of the United States as would enable him to preserve the territory of the United States and of Mexico from Indian outrage, and the territory of the United States from any violation by Mexicans, Texians or Indians, during the disturbances unfortunately existing in that quarter, and that the troops of the United States would be ordered to protect the commissioners and surveyors of the two governments, whenever they should meet to execute the instructions to be prepared under the treaty of limits between the United States and the United Mexican States. Should the troops, in the performance of their duty, be advanced beyond the point Mexico might suppose was within the territory of the United States, the occupation of the position was not to be taken as an indication of any hostile feeling, or of a desire to establish a possession or claim not justified by the treaty of limits. The occupation would be precautionary and provisional, and would be abandoned whenever (the line being run and the true limits marked) the disturbances in that region should cease, they being the only motive for it.

Head quarters western department,
Natchitoches, Louisiana, April 8, 1836.

SIR: I arrived at this place on the 4th instant, since which time I have received information from various sources, which leaves no doubt in my mind that a considerable portion of several tribes of the Indians residing within our territorial limits have gone over to the Texas side of the boundary line between the United States and Mexico.

When to this fact are added the reports daily received at this place, that the army of Mexico, commanded by the president, (Santa Anna) in person, is rapidly approaching in this direction through the centre of Texas; that his plan is to put to death all he finds in arms, and all who do not yield to his dictation; that as soon as he comes to the section of country occupied by the Indians in question on the waters of the Trinidad, or Trinity river, they will unite with him in his war of extermination; and that no boundary line, save such as they find properly guarded with an efficient force, will be sufficient to arrest the sanguinary career of these savages, I cannot but deem it my *duty to prepare for action.*

For this purpose I have requested of the governors of Louisiana and Mississippi and Tennessee, each, a brigade, and of the state of Alabama a battalion, making altogether three brigades and one battalion; the whole, or as many of them as practicable to be mounted; to repair to this place as soon as may be convenient, by battalions or companies.

This force, though not equal in numbers to that which it may be my duty to meet in battle, will enable me at least to secure the confidence of the frontier settlements, and keep them at home to plant their crops; and moreover enable me to inflict summary punishment on such of the enemy by whom they are now menaced, as may teach them to respect us, and in future to pay more regard than they seem now disposed to pay to our rights and treaties.

I shall in the course of a few days address to each one of the commanders of the armies in Texas a note calling their attention to their duties, and apprising them of the course which I shall pursue towards them, in obedience to the orders of the president of the United States, should they approach our boundary, or suffer the Indians near them to commence hostilities. I have notified the governors of the states to whom I have applied for force, that "should the war in Texas be brought to a close without the apprehended Indian hostilities," the volunteers will in that case "be discharged forthwith." I have the honor to be, very respectfully,

EDMUND P. GAINES, *major general commanding.*

The hon. *Lewis Cass, secretary of war, Washington city.*

P. S. I enclose a copy of my letters to the governors of the states above named. E. P. G.

[*Here follows the letter from gen. Gaines inserted in a late number, page* 162]

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War department, May 4, 1836.

SIR: I have received your letter of the 8th ultimo, and, in answer, have to inform you that the president will sanction the employment of whatever force may be necessary to protect the western frontier of the United States from hostile incursions. This department has addressed the governors of the states of Louisiana, Mississippi, Tennessee, Kentucky and Alabama, requesting them to call into service such militia force as you may find necessary in carrying into effect the instructions heretofore given to you. The theatre of operations is so distant from the seat of government, that much must be entrusted to your discretion. The two great objects you have to attain are, first, the protection of the frontiers, and, secondly, as strict a performance of the neutral duties of the United States as the great object of self-defence will permit. You will take care and do no act which can give just cause of offence to any other government; and, on the other hand, you will not permit the frontiers to be invaded by any forces whatever. I have to request that the militia you may call out may not be more numerous than the exigencies shall seem to require. They ought to be called into service for six months, if practicable, to be disbanded whenever not wanted; and you will take care that all due economy is preserved, as well in your disbursements as in the preservation and accountability of the public property. It is very necessary that you should communicate freely to the commanding officers of any military parties who may approach the frontiers, and inform them of the nature of your orders. You will state to them, that while you have been ordered to that quarter with a view to the execution of the neutral obligations of the United States, you have also been instructed to defend their territory from any invasion whatever; and that this duty will be executed under any circumstances that may happen. You will also remonstrate against the employment of any of the Indians. Although the dictates of humanity forbid the use of this species of force, which cannot be restrained, yet the right of the United States to remonstrate against its service rests upon other grounds. From the habits and dispositions of the Indians, it is well known that the power of employing them cannot restrain them within the legitimate rules of warfare. If they approach the frontiers, they will pay no regard to a mere imaginary line, but will carry on their depredations and massacres wherever inhabitants can be found, and where there is no force to oppose them. It is altogether idle to expect that in such a state of things the frontier settlements of the United States would not be exposed to these calamities. Whoever calls the Indians into service, and induces them to approach our border, cannot but be aware of the consequences that must ensue.

All this you will represent to the proper officers, and you will use your best exertions to keep such a force from marching towards your position, and, if they do so, to repel and disperse it.

Very respectfully, your most obedient servant,

LEW. CASS.

Major general Gaines, Fort Jesup, Louisiana.

—

War department, May 4, 1836.

SIR: In January last orders were given to major general Gaines to take measures for the defence of the western frontier of Louisiana. Events which were then passing in Texas, led to the belief that a state of things might arise requiring the interposition of the government to protect the inhabitants of that portion of the United States from the calamities of war.

There were placed, subject to general Gaines' orders, three regiments of infantry and seven companies of dragoons; and he was instructed to prevent, by force if necessary, any armed parties from crossing the boundary line into the territory of the United States. He was also informed that the thirty-third article of the treaty with Mexico imposes upon both of the contracting parties the duty of preventing all hostile incursions on the part of the Indians into the possessions of the other; and he was directed to take the necessary measures for fulfilling this obligation on the part of the United States. He was also instructed, if called upon by the civil authority for any aid towards enforcing the laws having relation to the neutral duties of the United States, to render such assistance as the laws prescribe; and he was referred to the district attorneys of the two districts of Louisiana for their opinion upon such points of law connected with his duty as might arise. He was also particularly advised that it was the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected.

By information recently received from general Gaines, it appears that he considers it necessary that his force should be increased, with a view to afford proper protection to the frontiers. He has, therefore, called upon each of the governors of Louisiana, Mississippi and Tennessee for a brigade, and upon the governor of Alabama for a battalion of militia; the whole, or as many of them as practicable, to be mounted. He reports that the Mexican forces are rapidly approaching the border; and he anticipates, that as soon as they have reached the vicinity of the Indians, these will join in the contest, and that the Indian force will respect no boundary line. And the operations in Texas, as described by general Gaines, cannot fail to produce a favorable effect upon the cruel disposition and predatory habits of the Indians.

I have, therefore, the honor to suggest to the committee of ways and means the propriety of an appropriation of one million of dollars "to defray the expenses attending the defence of the western frontier of the United States, to be expended under the direction of the secretary of war, conformably to the provision of the act of April 5th, 1832, making appropriations for the support of the army."

I enclose for the information of the committee a letter from the quartermaster general. Very respectfully your most obedient servant, LEW. CASS.

Hon. C. C. Cambreleng, chairman committee of ways and means, house of representatives.

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Quartermaster general's office, Washington city, May, 3, 1836.

SIR: The operations on the frontiers of Texas will require large appropriations. I have a requisition on my table for one hundred thousand dollars for that service, and have not a dollar to meet it. I have received a letter from the assistant quartermaster at Natchitoches, reporting that he had found great difficulty in obtaining land transportation for five companies. The wagons and horses, as well as mules for packing, must be taken from Ohio, Kentucky or Tennessee. Should the operations be continued through the season on the scale indicated by general Gaines' requisitions, a million of dollars will probably be required for the service of this department alone.

I have the honor to be, sir, your obedient servant,

TH. S. JESUP, *quartermaster general.*

The hon. secretary of war, Washington city.

—

War department, May 5, 1836.

SIR: In consequence of the intimation contained in your note of this date, I beg leave to observe, that the request for an appropriation of $1,000,000, for the protection of the frontier, in my letter of yesterday, was submitted to, and approved by, the president. Very respectfully, your ob't. ser't,

LEW. CASS.

Hon. C. C. Cambreleng, chairman committee of ways and means, house of representatives.

OFFICIAL PAPERS.

Communicated to the house of representatives by the president of the United States.

The following message from the president of the United States was received by the hands of Mr. Donelson:

In compliance with a resolution of the house of representatives of the 10th instant, I transmit reports from the secretaries of state and war, with the papers accompanying the same.

ANDREW JACKSON.

Washington, 14th May, 1836.

Department of state, 13th May, 1836.

To the president of the United States:

The secretary of state, to whom was referred a resolution of the house of representatives of the 10th instant, has the honor to lay before the president the papers mentioned in the accompanying list, which contain all the instructions to the charge d'affaires of the U. States at Mexico, all the correspondence between the two governments called for, and all other information on the files of the department supposed to be embraced by the resolution. JOHN FORSYTH.

—

Mr. Butler to Mr. Forsyth.—Extract.

Legation of the U. S. of America, Mexico, 31st March, 1835.

SIR: I have great pleasure in being able to tell you, for the information of the president, that the renewal of the treaty of limits will be completed within a few days, and I shall bring it with me on my return to the United States. The Mexican congress are now in session, and the ratification on the part of Mexico will be obtained at once, and the treaty be delivered to you in conformity with instructions sent me in January, 1834. The mere renewal of the treaty is in itself a matter of importance to us, because I am convinced that we shall gain by its jurisdiction over a very valuable tract of country, now either in an unsettled state, or under the dominion of the Mexican government.

* * * * * * *

A few weeks since, there was no prospect of my being able to conclude this affair previous to my departure from Mexico, for reasons which were communicated to the president of the United States in my last private letter, and I had actually obtained my audience of leave from this government, with the intention of setting off for Vera Cruz this day, and to return in the New York packet.

The audience was a private one, there being only the president, the secretary of state, the secretary of the treasury, and myself present. At the interview, I spoke to the president very frankly—I may, perhaps, add energetically—upon the several questions pending between the two governments, and expressed my regret at not having it in my power to bear a more favorable representation of the condition of affairs with Mexico than candor would compel me to do. I was listened to by all present with apparent interest; but as my course has always been frank and direct, neither my manner nor language would create surprise. At the close of the interview, the acting president (general Barragan) inquired whether it would be convenient for me to postpone for a short time my departure, in the event of the government being disposed to entertain my proposition relative to the boundary question, and was answered, that notwithstanding the delay in my departure would occasion some inconvenience to myself, still I would not hesitate to remain for a length of time sufficient for the accomplishment of that object, provided the president gave me assurances that no unnecessary delay would be suffered. When about to leave the audience chamber, the president observed that a communication would be made to me before my departure, and as early as practicable. On the 29th, a note from the secretary of foreign affairs informed me that the treaty should be immediately entered upon and concluded, announcing himself and the secretary of the treasury as the plenipotentiaries on the part of Mexico.

We met on the 30th inst. compared and exchanged our powers, and I was requested to prepare the projet. This was done on the evening of the same day, and sent to the plenipotentiaries, who appointed two o'clock to-day for the conference, and where signing and sealing would have followed. At eleven o'clock, the enclosed note was received from the chief clerk of the department of foreign affairs, postponing the meeting until to-morrow.

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[TRANSLATION.]

Department, Mexico, March 31, 1835.

To *Anthony Butler*, &c.

SIR: His excellency the minister has charged me to inform you that, being much occupied, he does not write to inform you that, in consequence of such occupation, he cannot hold the conference appointed for this day, but that it will take place to-morrow between ten and half past ten o'clock, so that the whole day may be employed.

I avail myself of this opportunity to assure you of my most distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

—

Mr. Butler to Mr. Forsyth.

Washington city, June 9, 1835.

To the hon. *John Forsyth, secretary of state:*

SIR: In pursuance of a leave of absence granted me several months since by the president of the United States, I have the honor of reporting myself to you as just arrived in this city.

In the despatch by which my leave of absence was communicated, I was directed, previous to my departure from Mexico, to conclude with that goverment a treaty stipulating the revival of the third article of a treaty previously negotiated between the two governments for adjusting limits and boundary, and which had been suffered to expire.

My instructions have been complied with, the duty is performed, and I have now the honor of presenting herewith the treaty; and have the honor to be, very respectfully, sir, your most obedient servant, A. BUTLER.

[TRANSLATION.]

Philadelphia, October 14, 1835.

To the hon. *Asbury Dickens:*

The undersigned, charge d'affaires of the United Mexican States, has the honor to acknowledge the receipt of a note from Mr. Dickens, dated the 12th instant, with the copy enclosed, and the official letter from the political chief of the department of Nacogdoches; for the transmission of which documents he expresses the most sincere thanks to Mr. Dickens.

The said political chief, in his letter, communicates that the tribe of Creeks from Alabama is now emigrating and establishing itself in lands belonging to Mexico, without any license or authority to that effect; he therefore requests me to state the fact to the executive of the United States of America, in order that measures may be taken to restrain that tribe within its proper limits. As the representation made by the political chief of the department of Nacogdoches is founded on the thirty-third article of the existing treaty of friendship between the two republics, the undersigned hopes that Mr. Dickens will submit the import of this note to the president of the United States, and that his excellency will cause the requisite executive measures to be taken, if the facts should be as stated by the political chief, in order to repress any incursions into the Mexican territory on the part of the Indians who inhabit that of the United States.

The undersigned avails himself of this opportunity to renew to Mr. Dickens the assurances of his distinguished consideration. J. M. DE CASTILLO Y LANZAS.

—

Mr. Forsyth to Mr. Castillo.

Department of state, Washington, Oct. 22, 1835.

Senor Don J. M. de Castillo y Lanzas, &c. &c.

The undersigned, secretary of state of the United States, has the honor to acknowledge the receipt of the note of Mr. Castillo, charge d'affaires of the United Mexican States, dated the 14th instant, relative to alleged encroachments of Creek Indians from the United States upon Mexican territories. A copy of Mr. Castillo's note having been referred to the secretary of war, who is charged with the superintendence of Indian affairs, that officer has stated that no information has been received by the war department, showing that the Creek Indians from Alabama are removing into the Mexican possessions; that there has not been, during this season any emigration of Creek Indians from Alabama; and that the war department has, on all proper occasions, by direction of the president, discountenanced the project of those Indians for removing into the province of Texas.

From this it would appear that the political chief of Nacogdoches has been misinformed. But should it be otherwise, it may be doubtful whether, under the 33d article of the treaty, the intervention of the United States could be claimed or afforded, unless the Indians manifested some hostile intent. If Indians going from the United States or elsewhere, should migrate to the Mexican territories with peaceable intentions, it will be for the Mexican government alone to decide upon their admission or exclusion.

Though the general terms used in the representation of the political chief of Nacogdoches would justify the president in expecting a more explicit statement, showing at what times and places, and under what circumstances, the Indians are alleged to have entered the Mexican territories, he has preferred directing this explanation to be made without delay, in order that there may be no room for doubt as to his views on the subject.

The undersigned avails himself of the occasion to offer Mr. Castillo renewed assurances of his distinguished consideration. JOHN FORSYTH.

—

[TRANSLATION.]

Mexican legation, Philadelphia, October 29, 1835.

To the hon. *John Forsyth*, &c.

The undersigned, charge d'affaires of the United Mexican States, has been informed that "at New York several vessels were in preparation, which were to join others at the Balize of New Orleans, not less than twelve in number, and to sail together for the coast of Texas. The object of the expedition," continues the notice, "is to introduce into that colony arms and munitions of war, for the assistance of the colonists in their insurrection, *(pronunciamento)* against the supreme government of the republic. Of these vessels, some, it appears, are armed for the defence of the expedition against the national cruisers now upon those coasts, and, if possible, for the destruction of those cruisers." "I have been assured," concludes the writer, "that two or three vessels have lately sailed from New York, with arms and ammunition for Texas." The undersigned has the honor to submit this information, which he has received through various channels, to the notice of the secretary of state of the U. States, in order that he may communicate it to his excellency the president, from whose inflexible rectitude he hopes that, for the sake of the peace and harmony subsisting betwen the two nations, he will order such measures as the case may require for putting an end to these proceedings, and absolutely preventing others of the same class from being carried into execution or projected. Such an order is most necessary, in the opinion of the undersigned, under the present circumstances, as the contempt of obligations arising from the treaty of friendship between the United Mexican States and those of America has reached such a point, that, according to

an official notice received from the Mexican consul at New Orleans, it is certain that, between the 10th and 11th of this month, the American armed schooner *San Felipe sailed from that port for Brazoria, with the same captain N. E. Hurd*, and "having her defences much strengthened, under the protection of which she goes laden with warlike stores and ammunition," and without a single paper which she should carry from the Mexican consul. The undersigned sincerely believes that this conduct will be viewed with disapprobation by the president of the United States.

The undersigned has the pleasure to renew to Mr. Forsyth, on this occasion, the assurance of his distinguished consideration. J. M. DE CASTILLO Y. LANZAS.

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Mr. Forsyth to Mr. Castillo.

Department of state, Washington, Nov. 10, 1835.

Senor don J. M. de Castillo, &c.

The undersigned, secretary of state of the United States, has the honor to acknowledge the receipt of the note of Mr. Castillo charge d'affaires of the United Mexican States, dated the 29th of October, and to acquaint him that, in conformity with the president's views relating to the existing state of affairs in Texas, which the undersigned had the honor to impart at large to Mr. Castillo, in an interview at this office on the 4th instant, the district attorney of the United States at New York, as well as the district attorney at New Orleans, has been instructed to prosecute any persons within the jurisdiction of his district, who have attempted or who may attempt to compromit the neutrality of this government by proceedings in violation of those laws of the United States which have been enacted for the purpose of preserving peace, and fulfilling the obligations of treaties with foreign powers.

The undersigned prays Mr. Castillo to accept renewed assurances of his high consideration. JOHN FORSYTH.

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Department of state, Washington, Nov. 4, 1836.

SIR: It has become necessary for me to call your attention to the probable event of a contest between the different portions of the Mexican empire in the vicinity of the United States. Some of our citizens may, from their connexion with the settlers there, and from their enterprise and love of change, be induced to forget their duty to their own government, and its obligations to foreign powers; but it is the fixed determination of the executive faithfully to discharge, so far as its power extends, all the obligations of the government, and more especially that which requires that we shall abstain, under every temptation, from intermeddling with the domestic disputes of other nations.

You are therefore earnestly enjoined, should the contest begin, to be attentive to all movements of a hostile character which may be contemplated or attempted within your district, and to prosecute, without discrimination, all violations of those laws of the United States which have been enacted for the purpose of preserving peace, and of fulfilling the obligations of treaties with foreign powers. I am, sir, your obedient servant, JOHN FORSYTH.

Benjamin F. Linton, esq. U. S. attorney, St. Martinsville, L.

Same to	*J. Mills*,	district attorney,	Boston.
"	*Wm. M. Price*,	do.	New York.
"	*Henry D. Gilpin*,	do.	Philadelphia.
"	*Nat. Williams*,	do.	Baltimore.
"	*John Forsyth*, jr.	do.	Mobile.

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Mr. Forsyth to Mr. Butler—Extract.

Department of state, Washington, Nov. 9, 1835.

* * * * * * * *

The president's views relative to the existing contest in Texas have been imparted to Mr. Castillo in a conference I have had with him at this office, and he will no doubt communicate them to his government; but that there may be no room for misapprehension on the subject, it is deemed best that the Mexican government should also be assured of them through you.

It is the wish of the president, therefore, that as soon as practicable after the receipt of this dispatch, you should seek an interview with the minister of foreign affairs, and acquaint him that the president looks with regret upon the unhappy state of things in Texas. That as the United States are and desire to remain at peace with the United Mexican States, as all measures enjoined and warranted by law have been and will continue to be taken to enforce respect by citizens of the United States, within their jurisdiction, to the neutrality of their government, whose desire is to execute in entire good faith the treaty of limits, he expects nothing will be done by the Mexican authorities tending to frustrate that desire, or to diminish the friendly sentiments entertained for the Mexican republic. In the probable event of a protracted war in Texas itself, neither party can be permitted to encroach upon the territorial limits of the United States, or make our soil a battle-ground for settling their political dissensions. I have the honor to be, sir, your obedient servant, JOHN FORSYTH.

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[TRANSLATION.]

Palace of the national government, Mexico, Nov. 19, 1835.

To his excellency the secretary of state and of foreign relations of the United States of America:

The undersigned, chief officer charged with the direction of the department of [foreign] relations of the Mexican republic, has received orders from his excellency the president to address the government of the United States through its secretary of state on two subjects of the utmost importance to both nations, as, should they not be presented in a clear light, and treated with that good faith which characterizes the intercourse between those nations, the bonds of friendship and reciprocal confidence which have hitherto united them may, in a certain contingency, be considered as broken, in defiance of justice, reason and mutual interests. The undersigned, while addressing this communication to the secretary of state of the United States, in performance of his duty, has the satisfaction to be able at once to state with confidence that this government conceives itself to be too well acquainted with the equitable principles which have ever directed the cabinet of Washington, and remembers too distinctly the proofs of affection and sympathy at all times displayed by that cabinet in favor of the prosperity of the Mexican republic, to have the slightest doubt that its complaints will be attended to as soon as they are found to be established on just grounds, and they will be treated with the consideration shown towards those of the most friendly governments.

The first subject to which the undersigned thinks proper to call the attention of the secretary of state of the United States is the notorious co-operation of a great number of the inhabitants of Louisiana in aiding and advancing the cause of the insurgent colonist of Texas. These Mexicans—for they neither are, nor can they be viewed otherwise than as Mexicans, having voluntarily ceased to be what they previously were—would never have ventured, in so open and shameless a manner, to abandon their duty to their adopted country, had they not expected to receive ready and effective support from American speculators, established near their frontiers, with views purely interested.

Unfortunately for themselves, the colonists of Texas were not mistaken in their calculations; and, before raising the standard of rebellion, they had received from their friends in New Orleans the combustibles required for kindling and spreading the conflagration; this conflagration must certainly destroy their infant establishments, unless they quickly open their eyes to the impending danger, and again submit to the authority of the government which they have outraged, and which, although it neither desires nor intends to take vengeance, is nevertheless firmly resolved to enforce respect to itself in every part of our immense territory. The colonists of Texas have since obtained, and continue to obtain, daily, from New Orleans, succors of every kind, in provisions, arms, ammunition, money, and even in soldiers, who are openly enlisted in that city, who sail from it armed for war, against a friendly nation, and, by their mere presence, render more difficult the pacific solution of a question purely domestic. Societies have moreover been formed in New Orleans, which publicly direct or interfere with affairs foreign to their country, either through the instrumentality of the press, or by meetings called ostensibly for the determined object of rendering general throughout the United States the views of a few individuals with regard to Texas. In other words, attempts are made to give a color of nationality to that which is a mere speculation on the part of some adventurers of various sorts.

The undersigned is well aware that many of these acts might have been, and still may be, effected at New Orleans under cover of the very liberality of the American institutions; and that the authorities of the union may have been unable legally to prevent them, especially such as involve questions connected with the freedom of the press, individual liberty, or the privileges allowed to American commerce. For this reason, the government of the undersigned neither should nor does solicit any thing in this case from the government of the United States, except that it should employ every measure permitted by its own laws for preventing, as far as possible, the injury which a friendly nation, connected with the United States by bonds of every kind, may sustain from the interference even of private individuals in a question entirely domestic. * * * * *

JOSE MARIA ORTIZ MONASTERIO.

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[TRANSLATION.]

Philadelphia, December 11, 1835.

To Mr. *John Forsyth, secretary of state of the U. States:*

MOST ESTEEMED SIR: In the late message of the president of the United States, the paragraph relative to my country concludes thus: "*It has been thought necessary to apprise the government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties.*" Now, I recollect well what was said on this subject in *our* conference at the beginning of the last month, and I admit that the desire of this government is most just; it cannot be other than the desire of the Mexican government. The only point on which I should be happy, if you would inform me, in order that all proceedings in this affair should be conducted with clearness and perfect understanding on both sides, is this: In making use of the expression quoted above, does the executive of these United States perchance intend to convey the idea that he recognises limits, which are not those expressly determined in the second article of the treaty between the two countries?

I think, sir, you will see that I am induced to put this question, by the interest which I take in preventing any equivocal or false interpretation which might lead to a disturbance of the

friendly relations between the two governments. I am, sir, with due respect, your most obedient servant,

J. M. DE CASTILLO Y LANZAS.

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Mr. Forsyth to Mr. Castillo.

Department of state, Washington, December 16, 1835.

Senor Don J. M. de Castillo y Lanzas, &c.

SIR: In answer to your letter of the 11th instant, I have the honor to inform you that remarks made by the president in a message to congress are not deemed a proper subject upon which to enter into explanation with the representative of a foreign government. I take occasion to add, however, that if there be any matter connected with the relations between our two countries, on which it may be interesting to you to receive further information than that conveyed in our conversation to which you refer, I shall be happy to afford it whenever your convenience permits you to visit me at this department.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

—

Mr. Forsyth to Mr. Castillo.

Department of state, Washington, January 14, 1836.

The undersigned, secretary of state of the United States, has the honor to inform Mr. Castillo, charge d'affaires of the Mexican republic, in answer to his note of the 13th instant, that this department will avail itself of the occasion of the departure of Mr. Ellis for Mexico, which will take place immediately, to answer through him the communication of the acting minister of foreign affairs of the Mexican republic, dated the 19th of November last, and referred to in Mr. Castillo's note.

The undersigned embraces this opportunity to renew to Mr. Castillo the assurances of his high consideration.

JOHN FORSYTH.

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Mr. Forsyth to Mr. Ellis.—Extract.

Department of state, Washington, January 29, 1836.

* * * * * * * *

You will herewith receive my answer to a late communication of the acting minister of foreign affairs of the Mexican republic, complaining of the co-operation of citizens of the United States with the insurgents in Texas. You will deliver this letter to the minister of foreign affairs; and that you may understand the subjects to which it relates, you are herewith furnished with a copy of it, and of the correspondence between this department and Mr. Castillo concerning them.

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Extract of a letter from the hon. John Forsyth to his excellency the acting minister of foreign affairs of the Mexican republic, dated

Department of state, Washington, January 29, 1836.

"The undersigned, secretary of state of the United States, has had the honor to receive the note of the 19th November, 1835, addressed to him by the acting minister of foreign affairs of the Mexican republic, and avails himself of the departure of Mr. Ellis, recently appointed charge d'affaires for Mexico, to transmit the answer to it, which the undersigned has been directed by the president of the United States to give.

"Both the subjects of that letter had been already acted upon when the note of the acting minister of foreign affairs of the Mexican republic was received, and the president instructs the undersigned to express his conviction that the course which has been adopted, while it has been dictated by a just regard to the interest of the United States, and his obligations under their laws, is entirely consistent with that sympathy for the Mexican republic, and that anxiety for its propriety which the United States has ever professed and felt, and by which their intercourse with it has been uniformly regulated. As to the first subject of complaint, the principles which have governed the United States in the contest between Spain and the Spanish American states, and in the numerous internal contests in Spanish America, are too well known to require explanation. So soon as it was apparent that the dispute between Texas and the dominant party in the other Mexican states would be carried to extremities, and indications were observed of a desire in some of the citizens of the United States to take part in the struggle, all the measures in his power were adopted by the president to prevent any interference that could by possibility involve the United States in the dispute, or give just occasion for suspicions of an unfriendly design on the part of this government to intermeddle in a domestic quarrel of a neighboring state. Notice was given to the Mexican charge d'affaires of the measures adopted, and the principles and course of the United States, distinctly and fully, and, the undersigned trusts, satisfactorily explained to him. This has certainly been duly communicated to his government, and has, with equal certainty, satisfied the acting minister of foreign affairs of the Mexican republic that it is the determination of the executive of the United States to employ every measure permitted by our own laws for preventing, as far as possible, the injury a friendly nation might sustain from interference in a question entirely domestic. For the conduct of individuals, which the government of the United States cannot control, it is not in any respect responsible; and the Mexican government well understands how far the funds and the exertions, and the combined efforts of individuals may be made to contribute to the aid of parties in a foreign contest, without in the slightest degree implicating the government of this country. The acting minister of foreign affairs of the Mexican republic must be aware that all this preceded any official communication of the character of the contest going on, or of the precautions and regulations adopted by either party to it in the assertion of their respective pretensions, and that as yet the United States have not been distinctly informed of those adopted by the government of Mexico."

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Mr. Forsyth to Mr. Castillo.

Department of state, Washington, February 13, 1836.

Senor Don J. M. de Castillo y Lanzas, &c.

The undersigned, secretary of state of the United States, had the honor to receive the note of Mr. J. M. de Castillo y Lanzas, charge d'affaires of the Mexican republic, dated the 4th instant. The acting minister of foreign affairs of the Mexican republic having, by his communication of the 19th of November last, thought proper to address himself directly to the undersigned concerning the differences with Texas, the undersigned deems it unnecessary at present to continue a correspondence with Mr. Castillo on those subjects. In pursuance of the intention expressed in his note to Mr. Castillo of the 14th ultimo, the undersigned has made Mr. Ellis, who will soon be in Mexico, the bearer of the answer of this department to the communication of the acting minister of foreign affairs. Mr. Ellis has also been instructed to acquaint the Mexican government that he is ready to pursue the further discussion of the business at the Mexican capital, if it should be thought necessary. The undersigned will, however, be happy to renew the discussion with Mr. Castillo, if, in the opinion of the Mexican government, there should be any sufficient reasons for such a course, and if Mr. Castillo should be specially instructed to that effect.

The undersigned renews to Mr. Castillo the assurances of his distinguished consideration. JOHN FORSYTH.

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Mr. Forsyth to Mr. Brown.

Department of state, Washington, February 24, 1836.

SIR: I enclose an extract of a letter addressed to the president of the United States, and referred by him to this department, relative to the enlistment of men at Nashville for the Texas service by a certain major Miller. You are requested to to satisfy yourself by proper inquiries; and should you find that either he or any other person has, in regard to the transaction therein referred to, violated the laws, you will, without loss of time, institute such proceedings as may be necessary to bring the offender to punishment.

It is to be presumed, however, that you will have done what your duty required, without waiting for instructions from this department. I am, sir, your obedient servant,

JOHN FORSYTH.

William T. Brown, U. S. attorney, Nashville, Tennessee.

Extract of a letter from W. H. Hunt, dated Nashville, Feb. 10, 1836.

"A certain major Miller, of the Texas service, has recently been in this place, obtaining recruits, and has enticed away young men, even when in debt to their employers, who would otherwise have complied with their engagements.

"In an instance of that kind I have applied to the U. States attorney for this district, who says he has received no instructions from you on the subject. I beg that you will immediately issue those instructions, as this course of the Texas recruiting officers is highly injurious to the citizens of the U. States."

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[TRANSLATION.]

Washington, April 4, 1836.

To the hon: *John Forsyth, secretary of state of the U. States;*

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has read with pain in some of the newspapers published in Tennessee and Kentucky, that Felix Huston, esq. of Natchez, is actually engaged, in the former of those states, in enlisting, clothing and arming, at his own expense, a corps of volunteers, the number of which is expected to be no less than five hundred, with whom he proposes to march to Texas in the beginning of the ensuing month of May, in order to increase the forces of the rebel colonists.

Such at least is the deduction to be drawn from a letter of his published in several of the newspapers, of which the undersigned has the honor to send one to the honorable John Forsyth, secretary of state of these United States, in order that, having seen it, the federal government may take such measures as, in its conception, may appear sufficient to arrest the plan which Huston proposes to carry into execution, in contempt of the laws of the country itself, as well as of the most obvious and acknowledged principles of international law.

The undersigned might also denounce to Mr. Forsyth other acts of the same nature which are now in progress in the said states of Tennessee and Kentucky, in consequence, no doubt, of the sort of crusade which has been preached there by persons calling themselves commissioners from Texas; among others, the project of raising a company at Nashville at the expense of the ladies of that city. But as the undersigned has had the satisfaction of knowing that some of these acts have already attracted the notice of the American government, and have merited its disapprobation, he does not consider it necessary to spend more time at present in enumerating and complaining of evils which may perhaps have been already, in a

great measure, remedied—thanks to the equity and foresight of the department of state.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, avails himself of this opportunity to repeat to the honorable John Forsyth, secretary of state of these United States, the assurances of his estrém and high consideration. M. E. DE GOROSTIZA.

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[TRANSLATION.]

Washington, March 9, 1836.

To the hon. *J. Forsyth*, &c. &c.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has seen in the Globe of yesterday, with a degree of regret equal to his surprise, that in the instructions addressed by the secretary of war to general Gaines on the 25th of April last, that general Gaines has been authorised, in case of necessity, to advance with his troops to Nacogdoches, "which old fort" says the secretary of war, "is within the limits of the United States as claimed by this government."

The undersigned cannot form any conjecture with certainty as to the ground on which the American government believes that Nacogdoches would be within the limits of the United States, when the dividing line between the two countries, determined by the third article of the existing treaty, shall have been run and marked down, because, although the undersigned has consulted Melish's map, published in Philadelphia, and improved in 1818—the only authority on the matter which the Mexican government will recognise agreeably to the treaty—he has not been able to find any other thing than that Nacogdoches is situated several miles beyond the Sabine river, and consequently far within the indisputable territory of Mexico.

The undersigned is, moreover, not aware that any claim of this nature has ever been advanced on the part of the American government; and this appears so much the more strange to him, as the undersigned, before leaving Mexico, was enabled to examine all the correspondence which had for many years been carried on between the two governments on the subject of limits, and does not recollect to have found any thing there contradicting his assertion, unless it be the solitary and vague indication contained in Mr. Butler's note of the 21st December, 1834, already mentioned by the undersigned in one of his late communications. The undersigned, in consequence, finds himself now under the sad necessity of addressing the honorable John Forsyth, secretary of state of the United States, for the purpose of protesting against the authorisation given to general Gaines to go with his troops to Nacogdoches, because he considers it essentially, and with regard to its possible effects, as a positive violation of the territory which is known to be Mexican.

The undersigned had the honor already, on the 23d and 28th of April last, to inform Mr. Forsyth under what point of view he considered the communication made to him by the secretary of state in the conference held on the 20th of that month; and if he, in a manner, engaged to await the orders of his government on the subject, it was assuredly not because he yielded his right, but because neither, from the memorandum of the conference, nor from the written communications of Mr. Forsyth, could the undersigned having gathered that general Gaines had already been instructed as to the ground which he might overrun with his troops, and the point where he was to stop.

The undersigned avails himself of this opportunity to renew to the honorable John Forsyth the assurances of his distinguished consideration. M. E. DE GOROSTIZA.

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Mr. Forsyth to Mr. Gorostiza.

Department of state, Washington, 9th April, 1836.

The undersigned, secretary of state of the United States, has received the note which Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, did him the honor to address to him on the 4th instant, accompanied by extracts from newspapers, showing that, in despite of the laws of their country, Felix Huston, esq. of Natchez, contemplated raising and equipping troops, and that a company was to be raised at the expense of the ladies of Nashville, to aid the Texians. Mr. Gorostiza also intimates that other projects of a like character are on foot in Tennessee and Kentucky, and requests that such measures as may be necessary to arrest them may be taken by this government.

Mr. Gorostiza is aware that the attorney of the United States for the eastern district of Tennessee has already been instructed to prosecute any persons in his district who have offended, or who may offend, in the manner complained of. He will likewise be directed to do whatever may be necessary and proper to frustrate the schemes of Mr. Huston and the ladies of Nashville, and the attorneys of the United States for Mississippi and Kentucky will be enjoined to enforce the law against similar wrong-doers within the jurisdiction of their districts.

The undersigned offers to Mr. Gorostiza renewed assurances of his most distinguished consideration.

JOHN FORSYTH.

His exc'y *Don Manuel Eduardo de Gorostiza*, &c.

—

Mr. Forsyth to Mr. Sanders.

Department of state, Washington, 9th April, 1836.

SIR: It appears from an article in the Western Journal, containing what purports to be an extract of a letter of Felix Huston, esq. of Natchez, that he is in the act of raising and equipping a volunteer company for military service in Texas.

You are requested to satisfy yourself by proper inquiries; and should you find that either he, or any other person, has, in regard to the transaction alluded to, violated the laws within the Kentucky district, you will institute such proceedings as may be necessary to bring the offender to punishment. You will also see the laws enforced with respect to any other similar violation of the neutral relations of the United States.

I am, sir, your obedient servant, JOHN FORSYTH.

Lewis Sanders, esq. U. S. attorney, Frankfort, Kentucky.

Same to *Richard M. Gaines, esq. U. S. attorney, Natchez, Miss.*

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Mr. Forsyth to Mr. Grundy

Department of state, Washington, 9th April, 1836.

SIR: It has been represented to this department that a volunteer company is in the act of being raised and equipped at Nashville, for military service in Texas. This also appears from an article quoted as having been published in the Kentucky Gazette.

You are requested to satisfy yourself, by proper inquiries, as to the truth of this representation; and should you find that any persons have, in regard to the transaction alluded to, violated the laws, you will institute such proceedings as may be necessary to bring them to punishment.

Enclosed is the copy of a letter addressed, on a similar occasion, to your late predecessor, Mr. Brown. I am, sir, your obedient servant, JOHN FORSYTH.

James P. Grundy, esq. U. S. attorney, Nashville, Tennessee.

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Mr. Forsyth to Mr. Gorostiza.

Department of state, Washington, April 11, 1836.

The secretary of state, in reply to Mr. Gorostiza's note of the 10th instant, on the subject of the publication of the memorandum of the conference of the 20th of April, has the honor to inform him that the communication of the memorandum to a committee of congress, by the department of war, was made without the knowledge of the department of state; that the memorandum has not been published by any branch of this government; but has been made known incidentally, through the public journals, as a part of the proceeding of congress. How far, under these circumstances, a compliance with Mr. Gorostiza's request to have the correspondence, which grew out of the memorandum of the 20th of April, made known, is required by justice to Mexico or her representative, is rendered unnecessary by the call which has just been made by the house of representatives, including that correspondence; which call will be answered as soon as the papers can be prepared. The secretary of state hopes that, in the mean time, the well-understood devotion of Mr. Gorostiza to his country will shield him from the effects of any injurious misconception.

The secretary of state embraces this opportunity to offer Mr. Gorostiza renewed assurances of his most distinguished consideration. JOHN FORSYTH.

His ex'y senor *Don Manuel Eduardo de Gorostiza.*

—

Mr. Forsyth to Mr. Gorostiza.

Memorandum for Mr. Gorostiza of what was said to him by Mr. Forsyth in their conference on the 20th April, 1836.

Mr. Forsyth stated to Mr. Gorostiza that, in consequence of the contest in Texas, the movements of some citizens of the United States on the Red river, and apprehended hostile intentions of those Indians in Mexico against the United States, and of the Indians within the United States against Mexico, orders would be given to general Gaines, to take such a position with the troops of the United States as would enable him to preserve the territory of the United States and of Mexico from Indian outrage, and the territory of the United States from any violation by the Mexicans, Texians or Indians, during the disturbance unfortunately existing in that quarter, and that the troops of the United States would be ordered to protect the commissioners and surveyors of the two governments, whenever they should meet to execute the instructions to be prepared under the treaty of limits between the United States and the United Mexican States. Should the troops, in the performance of their duty, be advanced beyond the point Mexico might suppose was within the territory of the United States, the occupation of the position was not to be taken as an indication of any hostile feeling, or of a desire to establish a possession or claim not justified by the treaty of limits. The occupation would be precautionary and provisional, and would be abandoned whenever (the line being run, and the true limits marked) the disturbances in that region should cease; they being the only motive for it.

21*st April*, 1836.

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[TRANSLATION.]

Reply of the undersigned, Manuel Eduardo de Gorostiza, to the communication made to him verbally by Mr. Forsyth, in the conference between them held on the 20th of April, 1836, at the department of state; of which conference he received a memorandum from the said department, on the 21st of the same month.

In the conference of the 20th of April Mr. Forsyth thought proper to communicate to the undersigned a certain measure which the American government proposed to take respecting the affairs of Texas; and the undersigned immediately consi-

dering that communication of great importance, frankly acknowledged his imperfect acquaintance with the English language, and requested Mr. Forsyth, with a view to prevent any misunderstanding on the part of the undersigned, to do him the honor to repeat to him in writing, and in form of a simple memorandum, what he had just communicated. Mr. Forsyth acceded to this request, with his accustomed politeness, and on the ensuing day sent to the undersigned the memorandum requested.

From this memorandum it appears that Mr. Forsyth stated to the undersigned at the said conference, that, in consequence of the contest in Texas, the movements of some citizens of the United States on the Red river, and apprehended hostile intentions of the Indians in Mexico against the United States, and of the Indians within the United States against Mexico, orders would be given to general Gaines to take such a position with the troops of the United States as would enable him to preserve the territory of the United States and of Mexico from Indian outrages, and the territory of the United States from any violation by the Mexicans, Texians or Indians, during the disturbance unfortunately existing in that quarter; that the troops of the United States would be ordered to protect the commissioners and surveyors of the two governments whenever they should meet to execute the instructions to be prepared under the treaty of limits between the United States and the United Mexican States; that, should the troops, in performance of their duty, be advanced beyond the point Mexico might suppose was within the territory of the United States, the occupation of the position was not to be taken as an indication of any hostile feeling, or of a desire to establish a possession or claim not justified by the treaty of limits. The occupation would be precautionary and provisional; and that the position would be abandoned whenever (the line being run, and the true limits marked) the disturbances in that region should cease; they being the only motive for it.

With regard to the first point, the undersigned acknowledges the justice of the views of the government of the United States, in desiring to preserve its territory from any species of violation, and no observation can be made on the subject, as long as general Gaines remains within the known limits of the United States. He, however, thinks it his duty to observe to Mr. Forsyth, availing himself with pleasure of this opportunity, that the Mexican government recognizes the sacredness of the territory of every neighboring nation too much not to have given the most particular orders to the commanders of the national troops in Texas to respect and cause to be respected the frontiers of the territory of the United States. He also avails himself of this opportunity to express thanks, in the name of his government, for the instruction given to general Gaines to preserve the Mexican territory from the outrages of the Indians of the United States; and he flatters himself that, in like manner, and in accordance with this principle of equity and good feeling towards Mexico, orders will be given at the same time to that general to oppose the entrance into Texas of any American citizen who may attempt to pass the frontiers armed, or as a colonist, for the purpose of joining the ranks of the rebels.

The undersigned considers it also very proper (*conveniente*) that general Gaines' troops should protect, in case of need, the operations of the commissioners and surveyors, who are to settle and mark the dividing line between the two countries, and to meet for that purpose at Natchitoches within one year from the 20th of April, 1836, the date of the signature of the convention imposing that obligation; and the undersigned can moreover immediately give assurance that the Mexican troops will also contribute to the same object, whenever it may be deemed necessary, as the interests of the two governments are the same, and as they are consequently equally called on to do whatever may be requisite for carrying it into effect well and speedily.

But with regard to the supposition contained in the third point of the communication, the undersigned cannot conceive that it could be realized, being, as he is persuaded, that the government of the United States cannot desire to insist upon an act which, if done, would be clearly injurious to the rights and interests of an independent and friendly nation. The undersigned conceives that any position which general Gaines may take beyond the known limits of the United States cannot be upon ground other than that belonging to the Mexican territory, and which should belong to it, until the commissioners and surveyors (the sole judges in the affair by the treaty of 1828) should decide against Mexico, and adjudge a portion of that territory to the United States, on the ground that it is comprehended within the line agreed upon. In the mean time, Mexico has in its favor the right of a constant possession, during which it has exercised there all the acts of sovereignty, has legislated, has appointed the authorities, has kept garrisons, has disposed of lands, &c.

And if it be said that the United States have, at periods since the cession of Louisiana, claimed such or such parts of Texas, or that there are still doubts as to the nature or denomination of such or such locality, the third article of the treaty of 1828 puts an end to all pretentions of the contracting parties, by fixing a dividing line, and confiding to arbiters, by giving them the power to lay down that line, the faculty of resolving all doubts, and removing all difficulties. With them, therefore, rests the decision, and it is only after such decision that the present *in statu quo* can justly terminate. This was doubtless the understanding of Mr. Butler, the charge d'affaires of the United States, when urging the minister of [foreign] relations of Mexico on the 21st December, 1834, respecting the necessity of speedily carrying into effect the said third article of the treaty of limits, he added, "he would only observe, that Mexico was actually occupying a large territory, which the government of the undersigned considered as justly belonging to the citizens of the United States, according to the rational construction of all the treaties concluded on the subject; and as it was well known that not only the government of Mexico, but that of the United States had already granted a large part of this territory to various natives and foreigners, the prompt conclusion of this affair became every day more urgent."

Can there be a more explicit confession than this of Mr. Butler's, respecting the possession by Mexico of the part which he considered to belong to the citizens of the United States, and of his conviction that the only means of legally terminating the state of things of which he complained was by carrying the treaty into full effect?

That the measure in question would not only affect the rights of Mexico as an independent nation, but also injure its interests, it is most easy to prove. The presence of a body of neutral troops in the very theatre of the war cannot fail to embarrass the operations of the Mexican army to favor the Texians indirectly, and to create a constant risk of collision. The farther general Gaines advances, the more restricted will be the circle within which the belligerents can move, and the greater will be the necessity for approaching the cordon formed by the troops of the United States. And in a country so vast and unpeopled as Texas, how impossible will it be to determine well the line of such a cordon, by a chain of military posts linked together. Who can then prevent the Texians, if they find themselves pursued at any time by Mexican detachments, from taking refuge behind the troops of the United States, by passing a line which is unguarded? How can the Mexicans know where they are to stop so as not to violate the said line? And what will the troops of the United States do with the Texians who thus in a manner place themselves under their protection, or with the Mexicans, who, impelled by the ardor of the fight, should pursue in order to take them? The undersigned shudders at the idea of the evils which the slightest incident may occasion in either of these cases, to two countries which have so many motives for esteeming each other, and whose relations are now so frank and so amicable.

If the undersigned cannot now admit (as he has shown, and for reasons which he has given), the supposition that general Gaines may take a position on a territory possessed by Mexico, until the dividing line between the two countries be marked out according to the terms of the 3d article of the treaty of limits, how can he admit the supposition with which Mr. Forsyth's communication ends?

That general Gaines should not abandon the position taken, even though it be included within the assigned limits of Mexico, until the disturbances of Texas should cease, would be equal to a real military occupation of a part of the territory of Mexico, and to an indirect intervention in its domestic affairs; and the United States can by no means desire this, nor view it with satisfaction, considering the state of their existing relations with Mexico.

The undersigned concludes by hoping that the American government will take these remarks into consideration, and that no case will occur which might authorise general Gaines to assume the advanced position to which this reply alludes.

M. E. DE GOROSTIZA.

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Mr. Forsyth to Mr. Gorostiza.

Mr. Forsyth's informal reply to Mr. Gorostiza's answer to the memorandum of the conference between them on the 20th instant.

Mr. Gorostiza has obviously not comprehended clearly the observations made to him by Mr. Forsyth on the 20th instant, or he would not have thought it necessary to make the extended reply which has been informally submitted. Mr. Gorostiza seems to take it for granted that general Gaines will be ordered to take a position in Texas on territory known to be beyond the limits of the United States. By referring to the paper given to him at his request, Mr. Gorostiza will see that the expression is, "should the troops of the United States, in performance of this duty, be advanced beyond the point *Mexico might suppose* was within the territory of the United States, the occupation of the position," &c. &c.

This notice to Mr. Gorostiza was not intended to express the intention to occupy a post within the acknowledged known limits of Mexico, but apprise Mexico that if gen. Gaines should occupy a position supposed by each government to be within its limits, that occupation would not be used either as the foundation of a claim or to strengthen a claim—the sole purpose being to enable this government to do its duty to itself and to Mexico; and the concluding paragraph with respect to the abandonment of any post thus occupied which might be found within the territory of Mexico was intended to convey the information that that abandonment would take place as soon as that fact was ascertained, unless the disturbed condition of the country at that time should render its continued possession indispensable to the safety of the United States, and under circumstances which would justify the occupation, if not in the judgment of the Mexican government itself, at least in that of every impartial power. Mr. Gorostiza must not understand that the government of the United States intends to interfere in

any manner in the disturbances of its neighbors. The troops of general Gaines will be employed only in protecting the interests of the United States and those of the Mexican territory, according to the obligations of the treaty between the two powers. Whether the territory beyond the United States belongs to the Mexican government, or the newly declared Texian state, is a question into which the United States does not propose to enter. It is a territory protected by the treaty of limits between Spain and the United States, subsequently recognised by the treaty between Mexico and the United States. In this view it will be considered; and while this government sees with great regret the sanguinary struggle which is carried on there, it does not permit itself to look to the result, being prepared, whatever that may be, rigidly to perform its own engagements.

JOHN FORSYTH.

Washington, 26th April, 1836.

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Translation of a letter from the Mexican minister.

Washington, April 28, 1836.

To the hon. *J. Forsyth, secretary of state.*

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, having received the reply addressed to him informally on the 26th instant, by the honorable John Forsyth, secretary of state of the United States, to his answer to the memorandum of the conference held on the 20th instant, has the honor now to assure the secretary of state, with the utmost sincerity, that he has never for a moment entertained the idea that the United States could seek to interfere in any way in the disturbances of their neighbors; and that, on the contrary, he had been induced, by his conviction of the rectitude of the principles which have at all times guided the policy of this government, to extend his reply somewhat beyond the bounds assigned by custom to that class of documents; being assured that all other considerations would be unnecessary, as soon as the undersigned shall succeed in demonstrating to Mr. Forsyth how just it was to Mexico, and how mutually convenient for both countries, that, in the present state of things in Texas, former possession should be the only rule for the mutual determination of respective limits, until the commisssioners and surveyors shall have marked out the true dividing line.

Fortunately, if the undersigned has rightly comprehended Mr. Forsyth's reply, the opinion of the secretary of state coincides essentially on this point with that of the undersigned, so far as regards the assurance that general Gaines' troops will not take a position on any ground known to be beyond the limits of the United States; and as a natural consequences from this principle, that such position can in no case be on ground previously possessed by Mexico, and of course within its known limits. The undersigned would thank Mr. Forsyth to have the kindness to let him know whether he has been mistaken on this point, in order that, if not, he may immediately inform his government accordingly, and communicate to it this new proof of the justice and good faith which characterize the American government in all its relations with Mexico.

The undersigned, as little as Mr. Forsyth desires to enter into the question, apparently so obvious, whether the territory of Texas, which lies adjacent to the United States, belongs to Mexico and to the Mexicans born in Texas, or to the foreigners who have risen in insurrection there. Nor does he consider it proper at present to insist upon discussing hypothetically what might be suitable for both countries, after the line shall have been marked, with respect to the position which the troops of the United States may then occupy, as the undersigned has reason to hope that the necessity for the said occupation will ere that time have disappeared, and as even, though this should unfortunately not be the case, it is by no means probable that the Mexican government will consider the question then occurring in a light different from that in which it would be viewed by any impartial power.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, avails himself of this opportunity to renew to the honorable Mr. Forsyth, secretary of state of the United States, the assurances of his distinguished consideration.

M. E. DE GOROSTIZA.

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Mr. *Forsyth to* Mr. *Gorostiza.*

Department of state, Washington, May 3, 1836.

In reply to Mr. Gorostiza's informal note of the 28th ult. Mr. Forsyth has the honor to state that, except in case of necessity, general Gaines will not occupy ground not indisputably within the limits of the United States. In case of necessity, whether the possession of the ground he may occupy is now, or has heretofore been, claimed by Mexico, cannot be made a question by that officer, he will take it to perform his duties to the United States, and to fulfil the obligations of the United States, to Mexico. The just and friendly purpose for which he does occupy it (if he should do so) being beforehand explained to Mexico, it is expected will prevent either belief or suspicion of any hostile or equivocal design on his part. It is not intended to be the assertion of a right of property or possession. Whether the post occupied shall prove to be in Mexico or the United States, it will be abandoned whenever the necessity ceases by the restoration of tranquillity to that distracted neighborhood.

Mr. Forsyth avails himself of this occasion to renew to Mr. Gorostiza the assurances of his most distinguished consideration.

JOHN FORSYTH.

His exc'y *senor D. Manual E. de Gorostiza*, &c. &c.

[TRANSLATION.]

Washington, May 4, 1836.

To the hon. *John Forsyth.*

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has learnt with sincere regret, from the informal note which the hon. John Forsyth, secretary of state of these United States, did him the honor to address to him on the 3d instant, that the American government has not thought proper to take into consideration the observations which the undersigned believed it his duty to direct to the department of state on the 23d and 28th of April last, respecting the position which the troops of general Gaines might assume in a certain case therein stated; and that consequently the question as regards the United States still remains the same as Mr. Forsyth considered it to be in the conference of the 20th of April. The undersigned, therefore, conceives that nothing is left for him to do, except to inform his government of the determination of the American government, and to await its orders. This he will do by the first opportunity, transmitting to the minister of [foreign] relations of the republic of Mexico literal copies of the correspondence which has passed on the subject between the department of state and this legation extraordinary.

The undersigned will only add, that it would be very desirable, in any event, that the general-in-chief of the national army in Texas might receive, in proper time, from his government, the necessary instructions with regard the possible advance of general Gaines beyond the known limits of these United States, as the former would thus know the real object of such an advance in case it did take place, and would then adopt, without doubt, such measures as might be within his attributes and faculties, for avoiding on his part any cause of discontent or quarrel *(compromiso)* between two nations so intimately friendly as the two republics.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has the honor to repeat to the honorable John Forsyth, secretary of state of these United States, the assurances of his most distinguished consideration.

M. E. DE GOROSTIZA.

—

Mr. Forsyth to Mr. Gorostiza.

Department of state, Washington, May 10, 1836.

The undersigned, secretary of state of the United States having submitted the note of Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, of the 9th instant, to the president, has now the honor, by his instructions, to reply. The president did not expect that any orders given by his authority would have produced either surprise or regret in the mind of a representative of a friendly power. He observes, however, that Mr. Gorostiza has not perceived the peculiar force of the terms used by the authority of the executive. General Gaines is not authorised to advance *to* Nacogdoches, but he is ordered not to go *beyond* that point. To Mr. Gorostiza the distinction may not seem to be so, but in the view of the president it is important. The terms used limit the authority given, and were chosen with the express intention to avoid misconstruction of the motive of the advance. To effect one of the great objects for which general Gaines is sent to the frontier, i. e. to fulfil our treaty with Mexico, by protecting its territory against the Indians within the United States, the troops of the United States might justly be sent into the heart of Mexico, and their presence, instead of being complained of, would be the strongest evidence of fidelity to engagements and friendships to Mexico. Nor could the good faith and friendship of the act be doubted if troops of the United States were sent into the Mexican territory to prevent embodied Mexican Indians, justly suspected of such design, from assailing the frontier settlements of the United States. With the full explanation of the design of the movement as far as Nacogdoches, if it should be made, which it is hoped will not be necessary, the president did not apprehend that any room was left for dissatisfaction or complaint; and he thinks that the course Mr. Gorostiza has thought it his duty to pursue is the result of an apprehension of consequences that cannot ensue if all the parties are just to the designs and pretensions of each other. Mr. Gorostiza's protest obviously springs from the idea that the advance of general Gaines is to be founded on a claim of territory by the United States; and hence his anxiety to argue the question of right to the possession of Nacogdoches and the territory in its vicinage. Contrary to his wish, the president finds himself compelled to require the undersigned to remind Mr. Gorostiza that Mexico is not in possession of the territory bordering on the U. States, wherever the true line may be. Whether the government of Mexico will obtain, and can maintain possession of it, are questions now at issue by the most sanguinary arbitrament Until they are decided, the undersigned understands Mr. Gorostiza to maintain that the possession of Texas is the possession of Mexico, and that any advance upon the territory claimed as part of Texas by its self-constituted authorities is considered essentially and in its effects a positive violation of the known territory of Mexico. The Mexican government must be aware that portions of the territory ever admitted to belong, as well as that claimed to belong to the United States, are represented in the Texian government. The known territory of the U. States is, then, now violated by Mexico, since the government of Mexico is, upon the principle involved, responsible for this usurpation of a right over the jurisdiction of the United States, and this attempt to limit the extent of their territorial posses-

sion. This fact of itself would justify an advance of general Gaines to any point necessary to the vindication of the rights of the United States, or to retort an injury upon Mexico, (or Texas, which ever is responsible), for the original wrong. But the president has not designed to vindicate a right, or retort a wrong, in the orders that have been given. He looks forward patiently to the period, which cannot be far distant, when the territorial rights of the United States will, according to long existing speculations, be authoritatively designated and marked by competent and trustworthy agents, so as to leave no room for further cavil and dispute; and in the meanwhile he desires to occupy no position by military force which the circumstances by which the general commanding the troops of the United States is surrounded do not justify.

The undersigned is instructed further to reply to Mr. Gorostiza, that the claims of the United States are founded upon the treaty of limits, and are to be maintained by the treaty of limits. If the true demarcation, according to that treaty, has not been fully made known to Mexico, it is because there has been, on the part of that government, a delay to proceed to the execution of that instrument. Questions belonging to the duties of the commissioners and surveyors could not be properly presented or considered until they met to enter upon those duties. A correspondence between the United States and Mexico for the adoption of the treaty of limits made between Spain and the U. States was no place to look for traces of the pretensions of the two governments, founded on a construction of that instrument; nor were they likely to be found in the correspondence for the additional article to provide for carrying that treaty into effect. It could only be when in the course of execution that the rival pretensions of the parties and the conflicting constructions could arise. To discuss them in advance would have been useless, if not suspicious. It is not, therefore, surpising that Mr. Gorostiza should have risen from the perusal of the correspondence to which he refers, without accurate knowledge of the claims of the United States. The undersigned is constrained, however, to express his surprise at the apparent want of information on this subject, derivable from other sources, in the Mexican envoy extraordinary and minister plenipotentiary. The indication in Mr. Butler's note of the 21st December, 1834, was, of itself, sufficiently distinct to have elicited inquiry. If not made, it is presumed it was because the allusion was understood. Whatever may have been done or omitted prior to that time, it is certain that want of information on this point, since November last, cannot be complained of by the Mexican government. The undersigned had the honor to give to the Mexican charge d'affaires, Mr. Castillo, in a conference in that month, the most distict intimation of the claims and expectations of the government of the United States, under the treaty of limits and the additional article—a conference which the undersigned has supposed was the chief cause of the subsequent extraordinary mission of Mr. Gorostiza to the United States.

The undersigned is instructed by the president to decline any discussion, at present, of the claims or pretensions of the United States to the territory in question. The appropriate occasion for advancing them is approaching. The United States are preparing, and will hasten to be ready to execute, in perfect good faith, the treaty, according to the second additional article lately agreed upon, and they expect that Mexico will be equally prompt. Whatever the United States cannot maintain by reason and facts, according to a just construction of the treaty of limits, will not be insisted upon. In the mean time, the undersigned is instructed to report, in the most explicit terms, for the satisfaction of the Mexican government, that the orders given to general Gaines were not given because the United States believed they had claims to the territory beyond Nacogdoches, nor with a view to assert, strengthen, or maintain those claims, but simply and exclusively to prevent consequences likely to grow out of the bloody contest begun in that quarter, the end of which it is difficult to foresee.

The undersigned avails himself of this occasion to reiterate to Mr. Gorostiza the assurances of his most distinguished consideration. JOHN FORSYTH.

His excellency *Don Manuel E. de Gorostiza*, &c. &c.

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[TRANSLATION.]

Mexican legation extraordinary, in the U. S. of America. Washington, May 10, 1836.

To the hon. *John Forsyth*, &c.

SIR: If the publication by itself of the memorandum containing the communication made to me by you in the conference of April 20th could have no other bad effect than to place me, as it has placed me, in a very disagreeable position with regard to the American public, I might perhaps, willingly sacrifice my own self-love, and pass by this circumstance, in order not thereby to involve farther an affair which is unfortunately becoming too complicated already. But you, Mr. Secretary of state, must know that the effects of this publication will not end there; and that from my apparent silence, it has been inferred, even in congress, that I have assented to the measure adopted by the United States, or, at least, that I have made no observations in opposition to it. This you, sir, know is not the case. You must also be aware that, if the newspapers which have entered upon this subject should by chance arrive in my country before my communications reach it. I might appear in the eyes of my fellow citizens, although but for a moment, under a light by no means favorable.

For these reasons, and having good grounds for confiding in the equity of this government, I am under the necessity of requiring you, sir, to adopt such means as you may consider most proper to rectify an error which may do me so much injury, as the representative of the Mexican republic in these United States.

I avail myself of this opportunity, Mr. Secretary of state, to repeat to you the assurances of my high consideration.

M. E. DE GOROSTIZA.

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REPORT OF THE SECRETARY OF WAR.

Department of war, May 14, 1836.

SIR: In comformity with the resolution of the house of representatives of the 10th instant, I have the honor to transmit copies of all the orders and instructions of this department, and all the correspondence on its files relating to the defence of the western frontier of the United States.

Every measure taken or authorised by the executive upon this subject is disclosed by these documents. Agreeably to your views of the resolution, I have not sent copies of the instructions from the quartermaster general to the officers of his department, in order to execute the memorandum of May 9th for that officer. They contain merely the usual official directions, in detail, for carrying the orders into effect.

Very respectfully, your obedient servant, LEW. CASS.

The president of the United States.

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The principal documents referred to by the secretay of war have been heretofore published. The following letter from gen. Macomb is perhaps the only additional communication of interest:

New Orleans, La. April 25, 1836.

Hon. *Lewis Cass, secretary of war:*

SIR: I arrived here the day before yesterday. It was not long after my arrival that I had the honor of seeing his excellency the governor of the state, and learned from him that general Gaines had made a requisition on him for a brigade of volunteers, partly to be mounted and partly on foot. This force the general deemed necessary to be employed in checking the Caddo Indians, who, he had been informed, were about entering Texas to act against the citizens of that state, under the auspices of the Mexican authorities. The governor, examining the laws in reference to this call of general Gaines, conceived that he was not authorised by the laws of Louisiana, or those of the United States, to furnish the force called for, nor did he, from the information he had obtained, believe it necessary to send to the frontier of the state any troops, as the country was not invaded, nor likely, in his opinion, to be invaded, and, further, was impressed with the belief that it was a scheme of those interested in the Texian speculations, who had been instrumental in making Gaines believe that the Mexican authorities were tampering with the Indians within our boundaries, and at the same time exciting, by false representations here, the sympathies of the people in favor of the Texians, with a view of inducing the authorities of the United States to lend their aid in raising in this city a force composed of interested persons, which force should move to the Texian frontiers, under the call of general Gaines, and afterwards, under false pretensions, actually march into Texas, and take part in the war now raging between the Texians and the government of Mexico; and all this at the expense of the United States, and consequently with the implied sanction of the government; thus giving to the people of Texas the hope of relying on the government of the United States for their protection and support, and to the government of Mexico a positive evidence that the United States were actually engaged, contrary to the treaty stipulations, in a war against that government.

If I understand the instructions of gen. Gaines, as communicated to him before I left Washington, it was his duty to see that the treaty stipulations with Mexico were fulfilled; and further, as it regarded the contending parties, to preserve a perfect neutrality.

I met here col. Darrington, who was formerly in the army, and who gave me the information which you will find in the enclosed printed paper.

[Here follows a memorandum of current news.]

He is of the opinion that the Caddo Indians cannot be concerned in attacking the Texians, and that they are but few in number, and quite insignificant.

Gen. Gaines has at his disposal the 3d, 6th and 7th regiments of infantry, and the whole of the regiment of dragoons, which I should think sufficient, if he will properly dispose of them, to enable him to fulfil his instructions without calling for the brigade of volunteers from Louisiana.

From what I can discover, it appears to me that it would be better to extend our military establishment at once to 20,000 men, instead of 10,000, as it has been proposed. The conduct of the Seminoles will have its influence with the other nations and tribes; and knowing the restlessness of the Indians, and their proneness to war, I am persuaded it will be most prudent, as well as most economical, to raise and keep up at once a force capable of effecting promptly any course proper to be pursued towards the Indians or blacks in case of insurrection, and at the same time to defend the maritime frontier against foreign attack. I have the honor to be, very respectfully, your obedient servant, ALEXANDER MACOMB,

Maj. gen. commanding-in-chief.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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INDIAN HOSTILITIES. From the accounts published to-day, it will be seen that the Indians in Florida and on the Georgia and Alabama frontiers are committing the most horrid barbarities upon the white inhabitants, and that the war has assumed a character that will require the most vigorous efforts to suppress it, and, that even if the campaign against them is actively prosecuted, not until many valuable lives are lost and much property sacrificed; for the Indians appear to be infuriated and actuated by a deep seated feeling of revenge. This feeling, with the consciousness that they will not be permitted to occupy their present territory in future, will make them struggle to the last; and hence a war of extermination on one side, and uncompromising resistance on the other, that will be pregnant with bloody incidents.

Much dissatisfaction is expressed in Florida at the conduct of gen. Scott, in abandoning the territory to the unrestrained depredations of the Indians; and so great was the indignation toward that officer at Tallahassee, that his effigy was publicly hung and burnt in that city on the 11th inst.

We also see it stated, that gen. Clinch, one of our most experienced officers in the Indian mode of warfare, has, on the ground that injustice has been done him on a question of rank, tendered his resignation to the president, which he has refused to accept.

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The most vigorous efforts are making to concentrate all the disposable troops of the U. States, which were stationed on the Atlantic coast, in Florida and on the Georgia and Alabama frontier. Gen. Jessup, the present quartermaster general, has, as we learn from Washington, been ordered to the command of all the forces employed and to be employed in Alabama and Georgia against the Creeks.

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We publish this week the report of the select committee of the senate of New York upon the stock-jobbing transactions of John C. Kemble and Isaac W. Bishop, two members of that body, which exhibits a tissue of moral and official misconduct without a parallel in the legislative history of this or any other country. The report has been before the senate for some time, and was again taken up on Saturday last, and after an animated discussion it was decided, in the first place, by a vote of 19 to 9, that the senate did possess the power to expel any of its members for moral and official misconduct—and in the second—by a vote of 21 to 7, that Isaac W. Bishop had been thus guilty—but it refused, 16 to 12, to vote the said Bishop "unworthy of a seat in that body"

The whole subject was then laid upon the table until Monday morning last, when Mr. S. Young presented the resignation of himself and Mr. M. Van Schaick, on the ground that the refusal of the senate to expel Bishop was calculated to "relax those moral principles which the author of our nature designed as the ligaments of society, and which law givers and judges should ever regard and maintain as holy and inviolate—and also to break the bonds by which alone honorable men can be held together."

After Mr. Young had presented his resignation, he asked leave to recall it in order that he might repel an imputation just cast upon him by a member: he then recapitulated the transaction alluded to, and the member who imputed misconduct to him expressing himself satisfied, the resignations were accepted. Mr. Bishop then appeared in his seat, and, after some preliminary remarks, also resigned in a letter addressed to the president of the senate, in which he represents himself as "sacrificed by designing accusers, who thought to extort money from his apprehensions."

The whole proceedings will be given in our next, as an interesting chapter in the history of the times.

DEATH OF MR. LIVINGSTON. The New York papers announce the death of the hon. EDWARD LIVINGSTON, our late minister to France. He died on Monday afternoon, at his seat at Red Hook, after a short illness, induced by drinking cold water, while heated on Sunday.

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MR MADISON. We learn from the Fredericksburg Arena that this venerable patriot is lying dangerously ill.

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The extra session of the legislature of Maryland, held with a view to the consideration of what is called the "internal improvement bill," which proposes to aid the Chesapeake and Ohio canal and the Baltimore and Ohio rail road, by appropriations, commenced on Monday last. This is the first summer session since 1813, which was then held with the view of providing for any exigencies which might arise from the presence of the British fleet in the Chesapeake bay.

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PENNSYLVANIA CANALS. According to the Harrisburgh Telegraph, two hundred and thirty-four thousand three hundred dollars and eighty-seven cents, have been received into the treasury of Pennsylvania for canal and rail road tolls, from the 1st day of November last to the 14th of May, the commencement of the present fiscal year.

The amount received in the different months, is as follows:

1835.	*Canal.*	*Rail road.*	*Motive power.*
November,	$12,441 62	$11,836 82	$10,438 08
December,	23,551 35	17,175 91	5,142 61
1836.			
January,	8,915 29	12,116 17	6,710 21
February,	3,861 70	2,447 59	1,482 41
March,	1,939 65	3,454 66	1,729 70
April,	13,440 71	16,685 33	7,897 57
	$64,150 23	$63,717 45	$33,445 58

It is proper to remark, that from the amount of tolls actually paid into the treasury any month, no correct estimate can be formed of the amount of tolls actually received by the collectors, during that month, as their payments are made weekly, semi-weekly, monthly and quarterly, in proportion to the amount of business done at the different offices, and the facilities of deposite and transmission. For instance: During the month of April there was received at the collectors' offices, more than seventy thousand dollars, while the payments into the treasury only amounted to 38,000 dollars.

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CORPORATED MANUFACTURING COMPANIES. The committee of incorporations in the legislature of Connecticut have reported a bill for a general law of incorporations for manufacturing companies. It allows any number of persons not less than five, to form a voluntary association for these purposes, provided the capital be not less than $10,000 nor more than $100,000. The shares of stock are to be $50 each and a certificate of the amount is to be deposited in the office of the secretary of state.

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HEAVY LOADS. *Gettysburg, (Pa.) May 23.* Two teams of Mr. John Taughinbaugh, [his horses are *tough-in-back* as well as their master], of this county, drew from Philadelphia to Pittsburgh, a few days ago, the astonishing weight of *ninety hundred* in each wagon!

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BOOKS FOR THE BLIND. At a respectable meeting of the citizens of Clinton Hall, New York, on Monday evening, Mr. Gallatin in the chair, and Dr. Proudfit, secretary. It was resolved to raise $10,000 by subscription for the purchase of suitable books (printed in raised characters) for the instruction of the blind throughout the United States.

Dr. Howe, the philanthropist and superintendent of the blind institution at Boston, gave an interesting account of these institutions and of the employments made at Boston in the printing of raised characters. He computed the number of blind in the United States at 8,000, and thought the sum proposed would be amply sufficient to supply their wants. Three of the pupils of the Boston institute, between 10 and 13 years of age, were present, and read with facility the raised characters, and translated French. One of the girls wrote an excellent hand. A committee to solicit donations were appointed, consisting of the following gentlemen:—Nathan Littlefield, Theodore Dwight, jr. Wm. L. Stone, Charles King, John W. Walker, professor Proudfit, Dr. Howe. Mr. Littlefield was appointed treasurer. Subscriptions will be received by any of the above named gentlemen. [*Star.*

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Small pox. *Important discovery.* Dr. Luzenburg, a respectable physician of New Orleans, says he has discovered the cause and the remedy for the disfiguration of the face by the small pox. It is well known that the face is usually the only part of the body which is pitted and deformed by this disease; and Dr. Luzenburg says it is because this is the only part that is exposed to the action of *light.* He has ascertained by experiment that when the face, however covered with the pustules of this disease, is completely sheltered from the light, it will not be more marked than any other part which is thus protected.

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Rail roads in Europe. The deputation from England, consisting of Dr. Bowring, Mr. Thomas and captain Pringle, who undertook to obtain the co-operation of the French and Belgian governments in the project of a great rail road to connect Paris and Brussels with London, have had, according to the late Paris papers, an interview with Louis Philippe. The king expressed his earnest desire that his government should lend its hearty co-operation for the furtherance of a project which he looked upon with the greatest interest, and to which he would lend his most cordial support.

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The late commodore Perry. The citizens of Buffalo are going to commemorate the battle of Lake Erie by erecting a monument to *Perry* in that city. The monument is to be 100 feet high, surmounted by a colossal statue of Perry, fifteen feet in height. On the sides of the pedestal, which is 34 feet square are to be sculptured *relievos* representing the battle of Lake Erie, and other prominent events in the life of the hero. The whole work will be constructed of American white marble, and cost $75,000. It is to be built by Frazee and Lannitz, of New York. The design is by Frazee. Its style and architectural character are purely Grecian.

The legislature of Rhode Island voted some twenty years ago to publish a biography of the hero of Lake Erie and appointed a gentleman to prepare it—which is the last we have heard of the subject.

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APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.

Hopeful Toler, to be consul for the port of Buenos Ayres.

James H. Williams, to be consul for the port of Sydney, in New South Wales.

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NEAPOLITAN INDEMNITY.

Treasury department, May 21, 1836.

The holders of the certificates under the Neapolitan treaty are hereby notified, that the proposed arrangement to pay a stipulated sum in full of all the future instalments due, has not been ratified by the king of the two Sicilies. But the instalment due on the 1st of June next, it is expected, will be punctually paid and remitted to this country; and in the mean time such disposition will be made of the certificates at the department, as the several claimants may be pleased to request.

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Mr. Stevenson is to sail on his mission to England in the packet ship Montreal which departs for London on the first of June next—and about the same time, major Eaton is to proceed on his mission to the court of Madrid, and will go by the way of England. It is also stated that Mr. Wilkins, our minister to Russia will return during the ensuing summer.

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A very destructive fire broke out in Albany, N. Y. on Thursday the 19th instant, which was not arrested until it consumed several dwellings and manufactories, by which nearly five hundred poor persons are deprived of employment.

A drug store and contents, the property of Messrs. N. Lenning, & Co. valued at upwards of one hundred thousand dollars, situated on Front st. Philadelphia, was destroyed by fire on Sunday morning last.

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A righteous judgment. A cause involving questions deeply interesting to steamboat proprietors and the public, has occupied the circuit court, sitting at Albany. The suit was brought by John Smith, who, with his family, were on board the steamboat Advocate when she blew up, at Coeymans Landing, in May last. Three of Mr. Smith's children died of the injuries received, and his wife was seriously scalded.

The plaintiff claimed to recover on the ground that the boat was of a novel construction, and that the engineer and firemen were unskilful and incompetent men.

The summing up of the cause occupied the whole of yesterday. The counsel on both sides acquitted themselves with great ability. The jury was addressed by Salem Dutcher and Samuel Stevens, esqrs. for the defendants, and by A. L. Jordan and Dudley Marvin, esqrs. for the plaintiff.

P. S. The jury came into court this morning, and delivered a sealed verdict for the plaintiff of *eight thousand dollars.* [*Albany paper.*

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Texas bounty lands. The following laws regulating the military bounty lands of Texas, to its citizens and volunteers, was adopted by the convention held at Washington, Texas, on the 17th March.

Whereas, many individuals of the United States have left their homes of peace and comfort, to volunteer in the service of this country, and endure the hardships and perils of the war, in the struggle of Mexican tyranny, and have by their generous patriotism and gallant conduct in the field, earned our warmest gratitude:

Resolved, That bounties of land be granted and are hereby granted to the said volunteers, as follows, viz:

To all who are now in service, and shall continue faithfully in service during the war—1,280 acres.

To all who served faithfully or shall have served faithfully for a period not less than six months—640 acres.

To all who served faithfully for a period not less than three months—320 acres.

To all who shall enter the service previous to the first day of July, and shall continue in service faithfully during the war, provided the war shall continue for a period more than six months—960.

To all who shall enter the service after the first of July, a quantity proportionate to their service—to be hereafter determined on by law.

The lawful heir or heirs of all such volunteers as may have fallen or may hereafter fall in the present contest with the Mexican government, or who may have died or may hereafter die from any accident while in the service of the country during the war, shall be entitled to the quantity of land which would have been due the deceased under the colonization law, as established by the laws of the land, had he have survived; that is to say: one league and lot, (or 460 acres), for a man of family, and one-third of a league (147 acres), for a single man; also that the said heir or heirs shall receive in in addition to the land granted as aforesaid, a bounty of 640 acres, as decreed by the council at San Felipe on the 11th of December, 1835.

That every applicant for land under these claims shall present a certificate from the proper officer under whose command he served—of the time of his service and discharge, and such further evidence as may be sufficient, and the said evidence shall be presented to a land commissioner, or such proper agent as may be established by law, to establish the correctness of the claim. Further, that these claims may be located on any unappropriated or vacant lands in Texas, provided that no single grant shall be located in more than one body, nor any grant of 1,280 acres in any form than two equal squares; nor any grant of 960 acres in any other form than one square of 640 acres, and another square of 320 acres; nor any

grant of 640 acres in any form other than a square the expenses of surveying, office fees, &c. to be borne by the claimant.

Resolved, That no bounty of land as herein specified, shall be construed so as to effect the rights and privileges to lands under the colonization laws established by the law of the land, of any said volunteer more than if it never had been granted.

Resolved, That said volunteers shall, in case they may by error locate any of said claims previously held by legal titles or possession, be allowed to lift said location and again locate said claims upon any vacant lands in the republic.

The foregoing resolutions were adopted in the convention of Texas, at the town of Washington, on the 17th day of March, 1836.

RICHARD ELLIS, *president of the convention.*

In addition to the bounty, volunteers in the army of Texas receive the same pay and rations as soldiers in the regular army of the United States.

LAW CASE. *From the Wheeling Times.* At the late term of the federal court, judge Caldwell presiding, holden at Staunton on the 2d of this month, the trial of Peter Dingess came up on a charge of having passed counterfeit notes purporting to have been issued by the bank of the United States. Upon a full investigation, which lasted several days, the jury found the prisoner guilty of the offence, provided there was then in existence any law which punishes such an offence; upon this verdict the court gave judgment for the prisoner. There were several other indictments against this man for similar offences, and demurs being filled to all of them on the ground that the bank charter having expired, all further prosecution was at an end, and the court being of that opinion, the prisoner was discharged; but was forthwith taken into custody by the state authorities.

We understand it to be a principle of criminal law, that when a statute creates an offence, and defines its punishment, and is limited in its duration, no conviction can lawfully be had after the expiration of the statute, unless such an event be officially provided for. No such provision is contained in the bank charter.

This man being one of the principal chiefs of counterfeiters, and venders of base money, it is to be regretted that he was not brought to trial during the existence of the law against which he has offended. His example in the country in which he resided must have been very pernicious. He possesses considerable property, is a colonel in the militia, and has been elected twice to the house of delegates by the citizens of Logan county where he resides.

Two of Dingess' confederates of equal consideration with himself, were arrested by the deputy marshals appointed for the purpose, but made their escape, and have left the country. Two others having a separate establishment were indicted, and held to bail, and shortly before court sat, left the state, their securities accompanying them. Four others have been sentenced for long periods, one to the penitentiary at Richmond, the others to the penitentiary in the District of Columbia.

These prosecutions have totally broken up the establishment for counterfeiting notes and bills on the bank of the United States, and on the various banks of Virginia, which had so long infested the south western part of this state.

Much credit is due to the marshal of this district for the plans laid by him to detect these men, and the address with which he carried them into execution. In this matter he has been engaged for two years past and has accomplished much for the security of society.

INDIAN HOSTILITIES.

The following are the latest accounts from the Georgia and Alabama frontier:

The National Intelligencer states that a letter from the governor of Georgia, under date of the 13th instant, to a member of congress, fully confirms the information received at the war department from major McIntosh and from other sources.

The following is major McIntosh's letter to the war department:

Fort Mitchell, May 9, 1836.

SIR: Hostilities have commenced in serious earnestness. Within a few days four individuals have been murdered, and it is feared many others have fallen victims. Yesterday I sent an interpreter to a few of the principal chiefs, requesting they would meet me in council at this place. They have failed to come. Ne-ah-math-la sent me word that he had said all he could to his people to restrain them, without effect. They were determined on war; and they had divided powder and lead, and embodied in a swamp near the Federal road, about five miles from this post, evidently with the intention of cutting off all communication between us and the governor of Alabama.

The interpreter says, Ne-ah-math-la had every thing in readiness for a move; that he (Ne-ah-math-la) inquired particularly about the strength of my command, and if any additional troops were expected. I am convinced it is his intention to head the hostile party.

The war-whoop is now sounding throughout the nation. Respectfully, I am, sir, your obedient servant,

(Signed) J. S. McINTOSH, *maj. brt. 4th infantry.*

Gen. R. S. Jones, adjutant gen. U. S. A. Washington, D. C.

From the Charleston Mercury of May 19.

Letter from our correspondent, dated Augusta, May 17. "The mail from Columbus arrived this afternoon about five o'clock. I received nothing printed beyond Milledgville, and have not heard of any written intelligence in relation to Indian affairs.

"Three or four passengers in the stage from Columbus, among them Mr. ——, agent for the post office department, report that two stage drivers and a stage agent have been murdered, and that col. Crowell's plantation, &c. had been destroyed. Mr. —— leaves in the morning for Charleston, and if you should see him he will give you farther particulars."

We last evening saw and conversed with the gentleman above alluded to, who left Columbus on Sunday morning last at 7 o'clock, and from whom we derived the following information.

Extract of a letter from the post master at Columbus, to the post master general:

Columbus, Ga. Monday evening, May 16, 1836—*at dark.*

SIR: Two drivers have this moment arrived bringing the distressing intelligence that two stages containing five heavy leather mails, accompanied by a guard of six men, and several passengers, making in all 14 persons, were attacked this day about noon, 18 miles from this town, by a large body of Indians, and overpowered. The drivers left the stages, and have reached town. They know nothing of the guard or the passengers. I have employed fifty friendly Indians at an expense of $200 to go out to night and bring in the mails. They will start immediately, and by morning we shall know the fate of the mails. Very respectfully, J. VAN NESS, P. M.

It was reported at Columbus that the Indians had crossed over to the town of Roanoke, of which they had entire possession, and had in that neighborhood attacked and taken possession of the steamboat Georgian. It was not stated what depredations had been committed on this boat, but it was generally believed that nearly all on board had been murdered. The plantation of gen. Abercrombie, a few miles below Columbus, had been visited by the Indians, and all the buildings on it totally destroyed. But a few of the friendly Indians who had been requested to repair to Columbus had made their appearance, and it was therefore the general impression that the whole Indian nation was preparing for a general war.

From the Columbus Sentinel, May 13.

On Monday we received information that hostilities had commenced on the road between Columbus and Montgomery, at the Uchee bridge, and farther on, and in the evening the bridge at this place and the streets leading from it were thronged with the unfortunate refugees who were fleeing before their savage neighbors. The pitiable condition of many of them was past the power of description. Wives severed from their husbands, and parents from their children, all dismayed, all terror stricken, presented a scene which we never again desire to witness. An interesting looking girl, just blooming into womanhood, was brought in on horseback behind a benevolent stranger who had found her in the nation making her way, unattended, to this place. She started in company with her parents, but before they had proceeded far, they were brutally shot down before her eyes. She fled to the woods and escaped from her savage pursuers, and was found and brought to Columbus as above stated. A young man arrived at this place also witnessed the savage murder of his parents. Another young man in the act of fleeing, perceived the Indians dragging away his sister. He returned declaring he would rescue her or die in the attempt, and he has not since been heard of. From this time their deeds of savage barbarity have been too numerous to particularise. A woman was brought in on Tuesday wounded in the hand, whose husband had been shot the preceding evening at the Uchee bridge.

Colonel A. B. Dawson's negroes, who were taken by the Indians, and made their escape, state that they saw three corpses on the road near the Uchee bridge, a man, woman and child who had all been murdered.

We learn that about 150 friendly Indians have reported themselves at Fort Mitchell, and are ready to assist the whites.

The above details are confirmed by a Columbus paper of the 16th and a Milledgeville paper of the 17th instant. It is further stated that the Indians had entered the house of one family, and murdered the whole—including husband, wife and six children. All were scalped, and the children beheaded. The house of a Mr. Colton had been attacked, and Mr. C. himself killed.

The following towns and tribes of Indians, are without doubt hostile; a part of the Uchees, the Hitchatics, the Pah-lo-cho-ko-los, the So-wo-ko-los, and a part of the Ullallays. Ne-ah-Matchlee, chief of the Hitchatics, &c. is full of ill-feeling towards the white people, and determined on revenge. Old Neah-Micco, the head of the Creek nation, must be considered as hostile, having been sent for several different times, to come in and hold a friendly talk—and as often refused to comply with the request—col. Crowell has been acquainted with this old chief for a series of years, and they have been on terms of strict friendship.

The Indians are acting with great boldness. They had appeared within thirty yards of Fort Mitchell, and entered and plundered the hospital. The garrison was not strong enough to make a sally.

The attack upon the mail stage is confirmed. The driver, and an inside passenger, were killed. Mr. Adams, an agent, who was in the stage, succeeded in making his escape. The horses attached to the stage came in at the next stage-house, but without the coach. There were nineteen horses in company with the coach, some of which had come in, though several were wounded.

Columbus, May 16.

Not content with the foul deeds on "*terra firma*," the savages have approached to the brink of the Chattahoochee, and made their death marks on board of our steamboats. The Hyperion, captain Smyth, while ascending our river on yesterday, was fired upon by the Indians, some 15 or 20 in number, who had stationed themselves on the plantation of the Messrs. Abercrombies,' about 8 miles below this place. Eight rifles were discharged in quick succession, and at the first fire, Mr. Brockway, the first pilot on the Hyperion, who was standing on the boiler deck, fell dead, being shot in the throat, one of the pilots, Mr. Smith, was badly wounded, and four other individuals, whose names we have not learned. The boat was run ashore, and the passengers flew from her in terror and dismay.

The old Georgian, whilst lying at Roanoke, was set on fire by the Indians, and burned; not a soul on board escaped, except the engineer. The town of Roanoke was at the same time fired and burned to ashes. We believe no lives were lost.

P. S. We are informed that a contest is now going on between col. Spivy's company of mounted volunteers, and a party of Indians on the Alabama side of the Chattahoochee. A sharp firing has been heard within the last hour, and no doubt a severe battle is now being fought.

The bodies of eight persons, mostly women and children, inhumanly mangled, were discovered near the plantation of Mr. Briton Harris, about thirty-four miles from West Point.

Augusta (Ga.) May 18.

The Indians have now cut off all communication. The western stage last evening brought back all the mails forwarded for Montgomery from our post office for the last week, and the only communication now open is the Florida line to Mobile; and there is no knowing how long that will be passable. Colonel Crowell's plantation has been burnt, and it is reported the stage agent and two stage drivers have been killed. The governor has issued his proclamation calling for two regiments of volunteers.

Another letter from Augusta states that Irwinton, a flourishing town, on the Georgia side of the river, had also been burnt by the Indians.

A letter from a gentleman in Columbus to his friend in Washington city dated on the 16th, after confirming the account of the attack on the steamboats says—All the boats have valuable cargoes on board, and are now at the mercy of the Indians. An express reached here on last night that the town of Tallassee [not Tallahassee] on the Tallapoosa was destroyed. The work of murder goes on in Chambers county: four white men and a negro were killed there on last Thursday morning. Two men were killed this side of Tuskeegee, and yesterday morning the stage horses broke across the bridge here and ran bleeding into town, two being badly shot. Two men were killed in the stage, one made his escape, who got in last night, after being pursued by the Indians all day. The stage had been stopped for several days; but the contractors thought they would venture again, and the result of the rash attempt was as I have related. The man who escaped was one of the stage agents. Many persons are missing, and many, we presume, are killed. The amount of property destroyed is immense, and that fair portion of Alabama, included in the late treaty, will never be occupied again as long as an Indian resides within the territory. Very few friendly Indians have come in. Alabama has no troops in the field. Georgia is doing all she can for her own safety, though not a single company has arrived in Columbus yet for her defence.

An appeal has been made by the governor of Georgia, as commander-in-chief, to the citizens of that state, to fly to the standard of their country for the purpose of constituting a force which will afford protection to their fellow citizens "from the tomahawk and scalping knife." A permanent military organization is to be kept up along the line of the Chattahoochee, the western boundary of the state.

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THE SOUTHERN MAILS.

From the Washington Globe.

From the post office department we learn, that all attempts to keep up the mail connexion between Columbus, Georgia, and Montgomery, Alabama, have been abandoned for the present.

It may be satisfactory to the public to be informed, that there is good reason to believe that all the mails sent on that route south have gone safely through. The peril to which they were exposed, however, induced Mr. George Plitt, agent of the department, who was at Columbus, to return all mails for that direction back to Augusta after the 15th instant, whence they have been forwarded by the lower Florida route, which is now the only line of communication between the south and New Orleans.

The possibility that even that line may be interrupted, has induced the department to direct the entire northern mail for New Orleans, and that section of the union generally, to be sent from Baltimore and Washington, over the Cumberland road, to Wheeling, and thence down the Ohio and Mississippi rivers by the steamboat mail lines now in operation. No apprehension need be entertained in future for the safety of communication by mail between the eastern cities and New Orleans.

FROM FLORIDA.

Tallahassee, May 7. *God save the republic.* The entire force of the United States army left for the defence of our frontier is estimated, on good authority, at 1,040 men. It is composed as follows:

Seven companies,	2d	regiment,	artillery,	280
Eight "	1st	"	"	320
One "	3d	"	"	40
Nine "	4th	"	infantry,	300
United States dragoons,				100
Grand total,				1,040

The force is scattered at different points on the frontier, over an extent of not less than four hundred miles, viz: Tampa, Fort King, Fort Drane, Picolata, St. Augustine and Mosquito. The consequence is that each post is so weak, as to be entirely unable to act on the offensive, or to punish the depredations committed actually within the range of the guns, as was recently the case at Fort Drane, where we are told not a single cartridge was prepared for the piece of artillery left for the protection of the post. The Indians have become daring and impudent to a degree hardly conceivable. The inhabitants are every where flying from midnight murder, and massacre on our devoted frontier.

From an extract of a letter from an officer in the army published in the Globe, we learn that that part of the army under the command of col. Chisholm, of the Alabama regiment, composed of the 4th regiment U. S. infantry, and part of his own troops were attacked on the 27th inst. about fourteen miles from Fort Brooke, whilst escorting the sick, stores, &c. from Fort Alabama, and quite a spirited engagement ensued, in which, it is supposed, the Indians met with severe loss. The action commenced at about half past 3 o'clock, P. M. and lasted three hours; three killed and twenty wounded; of the last, three or four badly.

Extract of a letter dated Tallahassee, May 11.

All the plantations bordering on the Osilla river, in Jefferson county, have been abandoned, and the inhabitants are flying before the enemy. I should not be the least astonished if they attack Tallahassee. A report has just reached town based on good authority, that thirty-five of our volunteers under command of capt. Razor, of Gadsden county, had encountered a party of Indians in the vicinity of St. Marks and that a desperate engagement had ensued. They could be plainly seen with spy glasses from the "old bomb proof"—Fort St. Marks—by the citizens and it was generally thought that our men had out flanked them and cut them off from the hammock. To-night the whole town will be under arms. The Indian hostilities will retard the prosperity of our growing territory at least five years, unless immediate relief is sent to us.

Advices have been received from Tallahassee to the 12th inst. at which time the apprehension of an attack from the Indians had in some measure subsided, and the inhabitants seemed confident in their own strength—but the National Intelligencer of Saturday last says:

A letter received in this city from Tallahassee, under date of May 7th, states that, on the night before, an attack was made by the Indians *upon St. Marks*, only sixteen or eighteen miles distant from Tallahassee! "This," says the letter, "is bringing the war near to us; and I verily believe that the country will be abandoned if they make a desperate rush to take it."

The above cannot be true, as the Baltimore Patriot publishes a letter from Fort Marks, dated on the 9th, which says that no Indians were seen in the vicinity, and expresses an opinion that the inhabitants with the seamen in port, are able to defend it against the savages.

FROM TEXAS.

The account of an important victory achieved by gen. Houston, over the Mexicans, is confirmed in its chief particulars by more recent intelligence from the seat of war. The following letter, from col. Hockly, of the Texian army to a friend in Natchitoches, comprises the most interesting details, and is, probably, generally correct. But we are still doubtful about the capture of Santa Anna; the account of which is rendered apocryphal by the manner of it, and the extraordinary propositions which it is said he made to gen. Huston. In ad-

dition, we see it stated, with some degree of probability, that Santa Anna was not in the battle, but in the city of Mexico at the time it occurred, whither he had been called to quell some dissentions among the officers of government and the people.

SIR: I have but a moment to give you an account of our victory. Our spies having taken a courier and officer on the 19th, who informed us that gen. Santa Anna and his army were across the San Jacinto, at this point; we immediately took up our line of march and reached that place on the morning of the 20th; the day was passed in reconnoitering the enemy. Some few shots during the time having been exchanged between the artillery without much effect on either side. On the morning of the 21st, the enemy commenced manœuvering, and we expected to be attacked in our camp, as they had received a reinforcement of 500 men, which made them 1,200 strong; but they settled down and continued throwing up a breast work, that they commenced at the first news of our approach. We commenced the attack upon them at half-past 5 o'clock, P. M. by a hot fire from our artillery, consisting of two ordinary 4 pounders. The enemy returned our fire with a long brass nine-pounder.

Our first fire having carried away their powder box caused their loud shouting to cease. We marched up within 75 yards, limbered our pieces and gave them the grape and canister, while our brave riflemen poured in their deadly fire. In fifteen minutes the enemy were flying in every direction, and were hotly pursued by us. They left 500 of their slain behind them. Never was there a victory more complete. General Cos was taken and killed by a pistol ball from one of our men, who instantly recognised him. General Santa Anna was taken next day about ten miles from the place of action, by one of our spies, who, on being brought forward, immediately requested to see general Houston. I happened to be passing at the time he was conveyed to general Houston, who was lying on a bed in his tent, having been wounded in the action, and heard them say, "we surrender into your hands general Santa Anna, governor of the republic of Mexico." He was ordered to call in his aids, who were nearly all taken, among whom was Almonte. There were then propositions made, of which you will have the details by express.

Houston was wounded in the ancle by a musket ball in the early part of the engagement; but remained on his horse until it terminated. There is a list of the names of the Mexican prisoners, which shall be transmitted you by express. They amount to nearly six hundred, among whom are six women.

The manner of Santa Anna's capture is thus related:

After the Mexican soldiers had thrown down their arms, the officers broke and endeavored to escape. The mounted riflemen, however, soon overtook all but one, who distanced the rest; him they ran 15 miles, when his horse bogged down in the prairie near the Brassos timber; he then made for the timber on foot. His pursuers in the eagerness of the chase, dashed into the same bog, and continued the pursuit on foot, following the trail of the fugitive, which was very plain owing to the recent rains, until they reached the timber, where it was lost. The pursuers then spread themselves and searched the woods for a long time in vain, when it occurred to *Arnold Hunter* that the chase might, like a hard pressed bear, have taken a tree. The tree tops were then examined, when lo, the game was discovered snugly ensconced in the forks of a large live-oak. The captors did not know who the prisoner was, until they reached the camp, when the Mexican soldiers exclaimed "el general, el general Santa Anna!"

The following are the propositions which, it is reported, Santa Anna has made to gen. Houston, viz: That he will pay the indemnity for the war—recognize Texas as an independent state, besides order the remaining part of his troops at present stationed in different parts of Texas, to assemble immediately, and lay down their arms; and that Houston's reply was, that Santa Anna, his officers, and the remaining part of his forces, should be shot as soon as the latter should make their appearance.

General Houston had issued orders that a farther advance of the Mexican army should be the signal for the slaughter of Santa Anna, and all the prisoners. The report of the terms of peace were not official but supported by a great number of letters from officers of the army.

It is also reported that, with the Mexican detachment, $50,000 in specie were taken—200 doubloons, found in Travis' saddle bags, 1,400 stand of arms and 2 cannons!

From the New Orleans Bulletin, May 9.

Col. A. Houston, of the Texian army, has arrived in the steamboat Caspian, and confirms the news of the glorious victory of gen. Houston, and has favored us with the following list of the Mexican officers killed, wounded and prisoners:

Killed—gen. Castrillon, col. Barnes, col. Mora, col. Trevino, col. Don Jose Maria Romero, lieut. col. Manuel Aquirre, lieut. col. Castillo.

Gen. Cos and many others supposed to be killed, but not yet found.

Prisoners—gen. Antonio Lopez de Santa Anna, col. *Almonti*, aid de camp, Colos Cespedes of the Guerrero battalion Brigas, aid to Santa Anna. Portilla de la Pedreguire, aid to Santa Anna; Nuner, Valienti; lient. cols. Filippe Romero, (wounded), Valienti, Don Pedro del Gardo, Fernando Urriza, wounded, aid to Santa Anna, Arcos, Encie, Mugla Don Ramon Curo, private secretary to Santa Anna; also 5 captains and 12 lieuts.

LATER NEWS.

From the Louisville Journal, May 18.

We have seen a passenger in the steamboat Mediterranean, apparently of high respectability, directly from Texas. He says, that he was not in the fight between the Texians and Mexicans, but that he heard the firing, and arrived upon the ground soon after the termination of the battle. He says, that gen. Houston came suddenly upon the enemy, about an hour before sunset, after a forced march of several miles. Finding them wholly unprepared, his troops rushed upon them with fixed bayonets, and the carnage was terrible. Our informant left the scene of slaughter on the morning after the battle. His description of the incidents accords very minutely with that of gen. Gaines, although, at the time of his arrival here, he had not seen gen. Gaines' letter. He says that, at the time of his leaving the Texian camp, the individual spoken of by general Gaines as having been found secreted in a tree, was supposed to be Santa Anna, but that his identity had not been satisfactorily established.

From the same.

Later. Since writing the above, a gentleman just from Red river has communicated the following, as the latest intelligence from Texas. After routing the detachment on the east side of the Brassos, Houston crossed that river and attacked the main body of the Mexican army, with great effect. Many were killed or made prisoners, and the rest put to flight. Santa Anna had been identified and beheaded. About half of the Mexican prisoners are said to have been put to death, and the rest detained as hostages.

The Memphis Enquirer of May 14th, confirms the above intelligence on the authority of a gentleman just arrived from Nacogdoches, who saw Houston's express, and had the account from his own lips. The statement that Santa Anna and his staff had been shot by a council of war, the Enquirer says his informant does *not* confirm; but he states that Santa Anna told Houston that he had sent to Mexico for supplies and troops, which had been refused him, and he feared he had been supplanted by *gen. Bustamente*, and also Santa Anna had recognized the independence of Texas; the Enquirer adds, "we have every confidence in the truth of this rich intelligence."

Massacre of col. Fanning. The following letter from a young man of Louisville, Ky. to his father, confirms, we think, beyond doubt, the reported massacre of col. Fanning and his detachment. It is dated at Groce's Crossing, on the Brazos river, April 11.

"DEAR FATHER: I take this opportunity of writing you a few lines to let you know that I am still in existence. I suppose you will have heard before this reaches you that I was either taken prisoner or killed. I was taken prisoner on the 29th of last month, and kept a week, when all of us were taken with col. Fanning, besides other prisoners were ordered out to be shot, but I, with six others out of five hundred and twenty-one, escaped. Before we were taken, col. Fanning's party had a battle with the Mexicans in a large prairie, and killed and wounded, as the Mexicans themselves said, three hundred of them; but one of the Texians, who was a prisoner at the time, says that it took them all night of the 19th to bury their dead, and that we must have killed and wounded something like eight hundred or a thousand. Their force was nineteen hundred strong—ours, two hundred and fifty.

"The circumstances under which we were taken are these: we were completely surrounded, without any provision or water, and in such a situation that we could not use our cannon; in consequence of which we thought it best to surrender on the terms offered to us—which were, to treat us as prisoners of war, and according to the rules of Christian warfare. But how sadly we were deceived, the sequel will show: after starving us for a week they ordered us out, saying we were going after beef, but when we had marched about a half mile from the fort we were ordered to halt. The Mexicans marched all on one side of us, and took deliberate aim at us, but I, as you have seen, was fortunate enough to escape. I have, however, had monstrous hard times, having nothing to eat for five successive days and nights, but at length arrived safely here this morning, after a travel of two weeks through prairies and dangers, during which time I had some narrow escapes, especially the night before last on the line of the picket guards of the Mexican force. I was near being killed or taken.

"San Felippe is taken. The Mexicans are in Texas, but I think I shall live to see her free notwithstanding. We have near 1,500 men in the camp and expect to attack the enemy in a few days.

"I am well with the exception of very sore feet, occasioned by walking through the prairies bare footed. To-morrow I shall go over the river to a farm to stay until I get entirely well, when I will try to avenge the death of some of my brave friends. All of my company were killed.

Your affectionate son, CHAS. B. SHAIN."

OFFICIAL—NAVAL GENERAL ORDER.

Navy department, 20th May, 1836.

Whereas, it has heretofore been decided that midshipmen were to be considered as exempted from arrest for any debt or contract, under the provisions of the 15th section of the act of congress of the 11th of July, 1798," for establishing and organising a marine corps," which section is in these words: "The

non-commissioned officers, musicians, seamen and marines, who are or shall be enlisted into the service of the United States, shall be, and they are hereby, exempted, during their term of service, from all personal arrest for any debt or contract." Doubts have arisen as to the correctness of this decision, the subject has been carefully examined by the attorney general of the United States, whose opinion is, that under that section midshipmen cannot be considered as exempted from arrest for debts or contracts; and as I fully concur in the opinion, it is decided by this department that midshipmen in the navy of the United States are not to be considered as exempted from arrest within the meaning of the foregoing section. MAHLON DICKERSON.

To all officers of the navy of the United States.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

May 20. Mr. *Calhoun* rose and stated that the committee of conference on the disagreeing vote on the bill authorising the president to accept the services of volunteers, and to raise another regiment of dragoons or mounted riflemen, had met and deliberated, and that a report would be made from the other house.

Mr. *King*, of Ala. expressed with some feeling, his regret, that a committee had not been selected who, instead of going into the whole merits of the bill, would have confined themselves to the point upon which the senate and house were at issue.

Mr. *Calhoun* discussed at some length the character and effect of the act of 1812, and argued that it would be safer and not in violation of the constitution to form the force provided by this bill as militia, rather than to make it a portion of the regular army.

The message was received from the house of representatives, announcing that they had determined to insist upon their amendment.

The amendment of the house, was, in effect, a disagreement from the provision introduced by the senate that the president and senate should have the authority to appoint the field officers.

Mr. *Calhoun* then moved that the senate insist, and that another committee of conference be appointed on the part of the senate.

This motion gave rise to a debate in which Messrs. *King*, of Ala. *Calhoun*, *Porter*, *Leigh* and *Webster* took part.

On one side it was contended that the force which the president ought to have power to accept should be to all intents and purposes militia, and that, being militia, this force should be officered by the states, and not by the executive, because the militia belonging to the states, their governments, and not the general government, have the power of organizing them. There is no such thing known as a *national* militia.

It was stated on the other side, that it might be necessary to oranize this force into battalions, regiments and brigades, in case no one of the states furnish a sufficient number of men to form a battalion, regiment or brigade, they could not be officered by the executive and senate. The efficiency of such a force would also be greatly increased by having its officers appointed by the general government.

On motion of Mr. *Calhoun*, the senate then proceeded to ballot for a new committee, and Messrs. *Calhoun*, *King*, of Ala. and *Nicholas*, were elected.

The senate then, on motion of Mr. *White*, took up the bill making appropriations for suppressing Creek hostilities, which was read twice and referred to the committee on finance.

After which the senate went into executive business and then adjourned.

May 21. Mr. *Southard* reported, from the committee on the District of Columbia, a bill amendatory of an act for quieting possessions and confirming certain titles, &c. in the District of Columbia, which was ordered to a second reading.

Mr. *Naudain* reported a bill to incorporate the Washington manual labor school and male orphan asylum, in the District of Columbia—ordered to a second reading.

The senate refused to take up the bill to recharter the banks in the District of Columbia.

A bill to provide for the better protection of the western frontier was read and referred, as was also a bill to construct an arsenal in North Carolina.

The amendment of the house to the bill to carry into effect the convention with Spain was referred to the committee on foreign affairs.

The senate then proceeded to the consideration of the bill making appropriations for fortifications. The question being on the motion of Mr. *Benton*, to strike out the item of $101,000 for the item of fortifications at Penobscot, and to insert an appriation of $75,000 for the present year, and $75,000 for the next year.

Mr. *Benton* addressed the senate in support of his motion, and the discussion was further continued by Messrs. *Southard*, *Hill*, *Buchanan*, *Wall* and *Ewing*, of Ohio.

On motion of Mr. *Calhoun*, the bill was laid on the table.

Mr. *Calhoun* then reported, from the committee of conference appointed on the disagreement between the two houses on the subject of the bill authorising the president to accept the services of volunteers, &c.

The report recommended the substitution of three sections for the present third section, the effect of which is to convert the whole force to be accepted into volunteer militia, to be officered by the states, in the way in which the militia are officered, with some immaterial modifications.

There was no action on the report.

Mr. *Benton* moved to take up again the fortification bill; which was agreed to.

After a few words from Mr. *Calhoun*, the yeas and nays on the motion to amend were ordered.

Mr. *Calhoun* suggested that the adoption of this amendment would fix the principle of a prospective appropriation for all the works in the present bill, and he objected to such power being given to the secretary of war.

The question was then taken, first on the amendment in blank, and decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hill, Hubbard, King, of Alab. Linn, Morris, Niles, Preston, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright—20.

NAYS—Messrs. Black, Calhoun, Davis, Ewing, of Ohio, Hendricks, King, of Georgia, Mangum, Naudain, Nicholas, Robbins, Swift, Tomlinson, White—13.

Mr. *Benton* then moved to fill the blank with $75,000.

[At this period the debate was interrupted by a message from the house, and the senate concurred in the report of the committee of conference, (as before specified), and the bill to provide for the payment of the militia in Florida, &c. was read twice, and referred to the committee on military affairs.]

The amendment was then agreed to.

The next question was on a motion of Mr. *Preston* to strike out the appropriation for Kennebeck river, which was decided in the negative. Ayes 7—nays 23.

Mr. *Preston* then moved that the senate adjourn. Decided in the negative.

Mr. *Hill* moved to amend the amendment by making it read like the preceding one, $100,000 for 1836, and $100,000 for 1837, for fortifications at Kennebeck river. This was modified so as to read, "$100,000 per annum for two years."

Mr. *Webster* asked for the yeas and nays, which were ordered.

The question was then taken on the amendment, and decidde as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, King, of Ala. Linn, Morris, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright—19.

NAYS—Messrs. Calhoun, Davis, Ewing, of Ohio, Hendricks, King, of Geo. Mangum, Preston, Webster, White—9.

The next amendment was to strike out $103,000 for the appropriation of a fortification at Portland harbor, and insert 75,000 dollars per annum for two years. Agreed to—yeas 20, nays 8.

The next amendment was the appropriation for Portsmouth harbor, which, after an unsuccessful motion by Mr. *Preston* to strike it out, was filled with a blank to be filled, when it appeared that no quorum was present.

The senate then adjourned.

May 23. Mr. *Walker*, of Mississippi, presented the proceedings of a meeting in one of the counties of the state of Mississippi, on the subject of the recognition of the independence of Texas. He wished to take up the subject at once, and, with that view, he would move a reference of these proceedings, and certain resolutions previously offered by Mr. *Morris* and other senators, to the committee on foreign relations.

The *chair* having decided that there was some informality in the proceedings which were cut from a newspaper, and of the authenticity of which there was insufficient evidence, the motion was varied so as to refer to the former proceedings.

Mr. *Walker* made some observations in a very enthusiastic tone and temper, in favor of immediate action on the subject.

Mr. *Morris* was in favor of pausing on the subject before we proceeded so far as to connect ourselves to any particular line of policy.

Mr. *Preston* repeated what he had formerly said on this subject, as to his delight at the progress of their struggle for rights and free institutions.

Mr. *Webster* expressed a wish that this question would not be pressed, until we should have official notification of the establishment of a government in Texas. Whenever that should take place, he would be in favor of a recognition of the independence of Texas. But there were other important matters connected with the subject, which must be considered whenever the question should come up.

Mr. *Mangum* took a somewhat similar view of the subject, and moved to lay the motion on the table.

Mr. *Calhoun* also recommended patience to the friends of Texas, on this floor, and moderation to the Texians themselves. He said that Texas could never again be subjected to Mexico, and that the Texians had Mexico in their power; but he repeated his hope that the advantages in their hands would be used with wisdom. He expressed a hope that Mr. *Walker* himself would reflect and consent to lay the motion on the table.

Mr. *Lewis* joined in the recommendation.

Mr. *Walker* replied—"now's the day and now's the hour," and made some further observations to sustain his position.

Mr. *Calhoun* repeated his suggestion that those who wished well to the Texians would wait until sufficient information

should have been received. He hoped there would be information which would enable the United States to recognize the Texian government before the rising of the present congress.

Mr. *Mangum* followed, and again urged the impropriety of any immediate action on the part of congress because the effect would be a war with Mexico, unless Mexico should be restrained by paramount considerations of expediency.

The motion, was then agreed to, to refer the proceedings to the committee on foreign relations.

A communication was received from the treasury department, enclosing a statement of the condition of the deposite banks to the — day of May; which was ordered to be laid on the table, and printed.

Mr. *Benton*, from the committee on military affairs, reported a bill for the payment of the expense of militia or volunteers in the southern states; which was ordered to be engrossed.

On motion of Mr. *Hubbard*, the fortification bill was laid on the table until to-morrow.

On motion of Mr. *White*, the rescinding resolution which came up as the special order, was postponed and made the special order for Thursday.

Mr. *Hubbard* offered a resolution setting apart Friday and Saturday of every week for the consideration of private bills, and asked the consideration of the resolution; but an objection was made, and the resolution lies over.

The special orders were then postponed until to-morrow, for the purpose of taking up the general orders.

The senate then adjourned.

May 24. After the usual morning business,

Mr. *King*, of Alabama, stated that from information which he had received, and which was entitled to the utmost reliance, he learned that there were numbers of individuals who had been driven by the Indians from their homes in Alabama, and compelled to cross the river, and take refuge in Georgia. These persons, being driven from their homes, and having no means, are reduced to the greatest possible distress, and it was the duty of congress to do all which they could do to enable these flying citizens to sustain nature. He would, therefore, ask leave to introduce at once a joint resolution to authorise and direct the delivery of rations from the public stores to these individuals until such relief shall be no longer necessary.

Leave being given, the joint resolution was introduced, read twice, and ordered to be engrossed. It was afterwards read a third time and passed.

The resolution offered yesterday by Mr. *Hubbard*, of New Hampshire, setting apart Fridays and Saturdays for the exclusive consideration of private bills and private business, was taken up, discussed and rejected.

A bill to provide for the payment of volunteers and militia employed in the service of the United States against the Indians, was read a third time and passed.

A resolution lying on the table, to authorise the payment of witnesses examined before the committee on public lands, in reference to alleged frauds, was taken up and agreed to.

The fortification bill was again taken up and considered, but before a final disposition of it, the senate adjourned.

May 25. Mr. *McKean* presented a petition from citizens of Philadelphia against the admission of Arkansas into the union, without a modification of her constitution in reference to slavery.

After the transaction of some business of minor importance, the senate proceeded to the general orders, and took up the bill to authorise the purchase, by the United States, of public stock in the Louisville and Portland canal company. Some time was occupied in its consideration, when it was laid on the table, on motion of Mr. *Ewing*, who stated he would call it up again to-morrow.

The senate then resumed the consideration of the bill making appropriations for the collection of materials, the building of forts, &c. which was amended, and the bill ordered to be engrossed and read a third time.

[The senate refused to concur in any of the prospective appropriations.]

On motion of Mr. *Calhoun*, the senate took up the bill to regulate the deposites of the public money.

The amendment offered by Mr. *Calhoun* to this bill having been read,

Mr. *Calhoun* moved to fill the blank for the sum to be left in the treasury before any division is made of the surplus revenue among the several states of the union, with the sum of "three millions."

The bill was then laid on the table until to-morrow, with the understanding that it will then be taken up.

The bill to extend the charters of certain banks in the District of Columbia, being the next special order, Mr. *Benton* moved that its consideration be postponed for the purpose of taking up the defence bill—negatived: ayes 14, nays 19. The bill was then read as reported by the committee to the senate, the amendments agreed to, and then the bill was made the order of the day for Friday next.

The senate proceeded to consider a bill in addition to an act providing for the admission of Arkansas into the union, which was amended in some unimportant particulars. After which the bill was reported as amended, the amendments concurred in, and the bill then ordered to be engrossed, and read a third time.

The senate then adjourned.

May 26. A memorial was presented by Mr. *Crittenden* on behalf of Mr. *Clay*, who was confined by indisposition, having relation to the independence of Texas.

Mr. *Preston* presented the proceedings of a meeting held in the city of Washington in relation to the same subject. He remarked on the gratifying desire which prevailed, that as soon as our government can, without violation of its obligations, it shall recognise the independence of Texas.

These memorials were referred to the committee on foreign affairs, and ordered to be printed.

After the transaction of other business, which will be noticed in its progress, Mr. *Webster* moved the following resolution, on which he offered a few remarks enforcing the necessity of restraining the territorial legislatures in their action upon bank charters. It was then considered and agreed to.

Resolved, That the secretary of state communicate to the senate, as soon as they may be obtained, copies of all acts of the territorial legislatures of Florida, granting or creating banking charters, or any institutions with banking powers and privileges within the last three years.

An act making appropriations for the purchase of materials, the erection of fortifications, the purchase of sites, &c. was read a third time.

On the question of its passage, the yeas and nays were demanded by Mr. *Leigh*, and ordered accordingly.

The passage of the bill was then opposed by Messrs. *Calhoun*, *King*, of Geo. and *Crittenden*, and advocated by Messrs. *Benton*, *Walker*, *Rives* and *Webster*.

The question was then taken, and decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Davis, Ewing, of Illinois, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King, of Alabama, Linn, Morris, Naudain, Nicholas, Niles, Porter, Prentiss, Rives, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tomlinson, Walker, Webster, Wright—31.

NAYS—Messrs. Calhoun, Crittenden, Ewing, of Ohio, King, of Georgia, Leigh, Mangum, Moore, Preston, White—9.

So the bill was passed.

An act in relation to the admission of Arkansas into the union was read a third time, and passed.

The joint resolution of the senate, authorising the president to issue rations to those citizens who have been driven by the Indians from their homes in Alabama, having been returned from the house with an amendment by adding the words "or Georgia"—

Mr. *Ewing*, of Ohio, moved to amend the resolution by inserting after the word "homes" the words "provided their homes are not in the Indian lands unceded to the United States."

The motion to amend was not agreed to.

The resolution and amendment were then laid on the table, on motion of Mr. *King*, of Georgia—yeas 18, nays 15.

The senate then adjourned.

HOUSE OF REPRESENTATIVES.

Friday, May 20. Mr. *Lewis*, from the committee of conference, appointed by the house to confer with the senate committee on the subject of the disagreement, on the part of the house, to the amendment of the senate to the bill authorising the president of the United States to accept the services of volunteers (which amendment provides that the president, with the advice and consent of the senate, shall commission the officers, elected by the volunteers), reported that the committee could not agree and that he was instructed to move that the house insist upon their disagreement.

Mr. L. stated that, although he made the motion under the instruction of the committee, yet he hoped it would not prevail, and that some gentleman would move that the house recede from their disagreement.

After some discussion, Mr. *Glascock* moved that the house recede from their disagreement.

At eleven o'clock, Mr. *Conner* called for the special order of the day, viz: the bill for changing the organization of the post office department.

Mr. *Miller*, moved that the rules be suspended for the purpose of proceeding in the consideration of the subject, and thereupon the yeas and nays were ordered.

The motion was agreed to; yeas 136, nays 37.

Mr. *Halsey* spoke briefly in support of the motion to recede.

Mr. *Speight*, believing, he said, that the bill had been sufficiently discussed, and that it ought to pass without delay, moved the previous question.

The *chair* decided that the previous question was the motion to recede.

The motion having been seconded, and the question being "shall the main question be now put?"

Mr. *Patton* called for the yeas and nays, as he considered, he said, that the bill involved a violation of the constitution.

The question was taken by yeas and yeas, and decided in the affirmative, yeas 126, nays 7.

The main question being then taken, it was decided in the negative, yeas 74, nays 123.

So the house refused to *recede*.

The motion to *insist* was then agreed to.

The remainder of the session was occupied in considering the bill to change the organization of the post office department, &c. and the bill for the discontinuance of certain post routes and the alteration of others. To the first several amendments

were offered and rejected, and it was then laid aside—the latter was amended and made the special order of the day for Thursday next, and ordered to be printed. The house then, at 8 o'clock, adjourned.

[Pending the consideration in committee of the mail route bill, the speaker momentarily resumed the chair and on motion of Mr. *Lewis*, the house agreed to a second joint committee of conference, on the disagreeing votes of the two houses, upon the amendment of the senate to the bill authorising the president to accept the service of volunteers; and a committee was appointed on the part of the house.]

Saturday, May 21. The house resumed the consideration of the report and resolution of the select committee on abolition memorials. The question being on the motion of Mr. Robertson to recommit the report to the committee with instructions to report a resolution declaring that congress has no power under the constitution, to abolish slavery in the District or in the territories.

Mr. *Robertson* resumed his remarks and spoke at length in opposition to the report, maintaining that it surrendered in effect, the rights and protection claimed by the south, under the constitution. At the expiration of the hour, the orders of the day were called.

Mr. *White*, of Florida, obtained the consent of the house to call up the bill to provide for the payment of expenses incurred and supplies furnished on account of the militia received in the service of the United States for the defence of Florida.

This bill was considered as in committee of the whole, and amended so as to provide for the payment of all the militia and volunteers engaged in the Florida campaign, and have been regularly discharged.

[This bill is merely explanatory of a former act, by which it was intended to provide for all such cases.]

The committee rose and reported the bill with the amendment.

Mr. *Jarvis* adverted to the haste and informality in which bills of this kind have lately been hurried through the house. Bills were brought up and passed through the house, in violation of all its rules, upon vague and insufficient information, and information not communicated to the house, but to a committee, or, as in this case, to an individual member, who was not upon any committee. He wished to know how long the system was to be pursued. If it was established, this house would soon have nothing to do but to register the edicts of the executive, and not of the supreme executive, but of his subordinates.

A debate ensued in which Messrs. *White*, of Florida, *Hawes*, *Granger*, *Speight*, *Cambreleng*, *Everett*, *Parker*, *Bell*, *R. M. Johnson*, *Grennell*, *Lincoln* and *Ward* took part. The discussion was afterwards continued by Messrs. *Jarvis*, *Vanderpoel*, *Graves* and others. The amendments to the bill were concurred in and the bill ordered to be engrossed.

After a short time spent in considering private business the house adjourned.

Monday, May 23. After the usual morning business, the house resumed the consideration of the resolutions from the legislature of the state of Kentucky, with the motion to commit them to a committee with instructions to report a bill providing for the distribution of the revenue arising from the sales of public lands among the several states, according to their population.

Mr. *Cushing*, of Mass. spoke at considerable length in favor of the proposed measure—and was followed by Mr. *Haynes* in a speech in opposition to the distribution. When he had concluded,

Mr. *Hannegan* moved to lay the resolutions on the table; and the question was then taken on the motion to lay on the table, and carried in the affirmative—ayes 110, noes 89. So the resolutions were laid on the table.

Mr. *Williams*, of Ken. moved to suspend the rule for the purpose of considering the resolution from the senate, fixing a day for the adjournment of congress; upon which motion the yeas and nays were ordered, and the question being taken, was decided in the negative, two-thirds being required—yeas 98, nays 89.

The house then, on motion of Mr. *Cambreleng*, went into committee of the whole, in execution of the special order, and proceeded to the consideration of the bill making appropriations for certain fortifications.

Mr. *Forrester* resumed his remarks, and went at length into a consideration of the various topics connected with the subject, and heretofore introduced into the debate.

The question being on the motion to appropriate $700,000 for the arming of fortifications,

Mr. *Mercer* moved to amend the amendment by authorising the president of the United States to expend so much of said sum as he might deem expedient for the purpose of establishing a national foundry for the casting of cannon, if he should deem it expedient.

Mr. *Underwood* was proceeding to give his views on the subject, but gave way to a motion that the committee rise; which motion having been put, there was found to be no quorum, when the committee rose and reported that fact to the house.

Mr. *Pearce*, of Rhode Island, moved a call of the house; which was ordered; but before proceeding with the call,

Mr. *Vinton* moved an adjournment—decided in the negative, yeas 39, nays 87. Mr. *Underwood* again took the floor, and after speaking some time, gave way for a motion that the committee rise; decided in the negative—yeas 50, nays 71. Mr. *Wise* renewed the motion. The vote on this motion was, yeas 51, nays 55; and no quorum voting, the committee rose, and reported that fact to the house. A motion was then made that the house adjourn, upon which the yeas and nays were ordered; and the question being taken, it was decided in the negative—yeas 66, nays 69. Mr. *Adams* moved a call of the house; upon which motion the yeas and nays were ordered, and the question was decided in the negative—yeas 45, nays 95. So the motion for a call of the house was over-ruled.

Mr. *Sutherland* moved to suspend the rules so as to make the bill the order of the day for to-morrow at 11 o'clock; which motion prevailed—yeas 110, nays 19. And then the house adjourned.

Tuesday, May 24. Mr. *Adams* asked the consent of the house to offer the two following resolutions, and to state a few reasons for offering them:

Resolved, That the president of the United States be requested to communicate to this house, if not incompatible with the public interest, copies of any overture made since the 3d of March, 1829, by his authority, to the government of the United Mexican States, for the acquisition by the United States of any portion of the territories of Mexico; and copies of all correspondence between the two governments relating thereto, and upon any question of boundary existing between the United States and Mexico.

Resolved, That the president of the United States be requested to communicate to this house, if not incompatible with the public interest, a copy and translations of any law, decree or ordinance of the Mexican republic, abolishing slavery within the territories thereof, which may be in possession of the executive department of the United States.

Objections being made, Mr. *Adams* asked leave to state his reasons for desiring to move these resolutions; which being objected to,

Mr. *Chambers*, of Kentucky, moved to suspend the rules to allow Mr. *Adams* to state the reasons; and that motion was negatived without a division.

Mr. *Adams* then moved to suspend the rules to allow him to offer the resolutions, and asked for the yeas and nays on that question; which were ordered.

Mr. *Huntsman* asked if the motion was divisible. He said he was willing to vote for the first resolution, and he did not doubt the president would be willing to give all the information required by it, but he was opposed to receiving the second resolution.

Mr. *Adams* said, to accommodate the gentleman, (Mr. *Huntsman*) he would modify his motion so as to apply it to the first resolution only.

Mr. *Huntsman* then remarked that he would vote to suspend the rules to allow that resolution to be offered.

Mr. *Thompson*, of South Carolina, stated that if the house should allow the resolution to be offered, and when it should come before the house, he should move an amendment to it, [proposing, it was understood, to ask of the executive his opinion as to the expediency of recognizing the independence of Texas].

The question was then taken on suspending the rules to enable Mr. *Adams* to offer the first of the above resolutions, and decided as follows:

YEAS—Messrs. John Quincy Adams, Chilton Allan, H. Allen, Ash, Ashley, Bailey, Beaumont, Bell, Borden, Boyd, Briggs, Buchanan, Bunch, W. B. Calhoun, Carter, J. Chambers, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Crane, Cushing, Deberry, Denny, Everett, French, Fry, Philo C. Fuller, R. Garland, Granger, Grantland, Graves, H. Hall, Hard, Harper, S. S. Harrison, A. G. Harrison, Hawes, Hazeltine, Heister, Hoar, Holsey, Howell, Huntsman, Ingersoll, W. Jackson, J. Jackson, Janes, Jarvis, Kinnard, Laporte, Lawrence, L. Lea, Lincoln, Logan, J. Mann, S. Mason, McCarty, McKay, McKennan, Mercer, Parker, Patton, J. A. Pearce, Pettigrew, Phillips, Potts, Russell, Seymour, Slade, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Thomas, J. Tomson, W. Thompson, Turner, Underwood, E. Whittlesey—82.

NAYS—Messrs. Beale, Bean, Boon, Bouldin, Bovee, Cambreleng, Carr, Casey, Chaney, J. F. H. Claiborne, Coles, Craig, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Galbraith, Glascock, Haley, Hamer, Hannegan, Haynes, Howard, Hubley, Ingham, Cave Johnson, J. W. Jones, Judson, Kennon, Kilgore, Lane, G. Lee, J. Lee, Leonard, Loyall, Lyon, Abija Mann, Martin, William Mason, May, McComas, McKeon, McLene, Miller, Montgomery, Owens, Parks, Patterson, F. Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Rogers, Wm. B. Shepard, Aug. H. Shepperd, Smith, Sutherland, Toucey, Turrill, Vinton, Wardwell, S. Williams—68.

So the house refused (two-thirds of the members present being required to carry it) to suspend the rules to allow Mr. *Adams* to offer his resolution.

The house then resumed the consideration of the report of the select committee on the subject of the abolition of slavery, the pending question being the motion of Mr. *Robertson* to recommit the same, with instructions to report a resolution declaring that congress has no power, under the constitution to interfere with the subject of slavery in the District of Columbia or in the territories of the United States.

Mr. R. resumed his remarks and spoke until the expiration of the hour.

Mr. *Cambreleng* moved that the house go into committee of the whole.

Mr. *Chilton Allan* moved to suspend the rules, for the purpose of taking up the bill to appropriate, for a limited time, the proceeds of the sales of the public lands in the United States, and for granting land to certain states, with the several motions pending to commit the same.

Mr. *C. Allan* said that he would renew this motion from day to day, if he could get the floor, and would call upon his friends to give the yeas and nays. It was his desire to bring the house to a direct vote on the bill, that the question might not be dodged.

On this question, the yeas and nays were ordered, and being taken, it was decided in the negative—yeas 72, nays 108.

The house then resolved itself into a committee of the whole, for the further consideration of the bill making appropriations for certain fortifications.

Mr. *Underwood* resumed and concluded his speech. A desultory discussion then ensued, which occupied the attention of the committee until about *half past* 12 *o'clock*, (at night), when it arose, reported the bill with amendments, and then the house adjourned.

Wednesday, May 25. After the usual preparatory business, the house again took up the unfinished business of the morning hour, being the report of the select committee to whom was referred the memorials and petitions on the subject of slavery.

Mr. *Robertson* then resumed his argument in favor of his motion, which was to recommit the report with instructions to report a resolution declaring that congress has no right to interfere in the subject of slavery in the District of Columbia or in the territories of the United States; and, after speaking at length upon the various subjects connected with the report, concluded his remarks.

Mr. *Owens* expressed an opinion that the discussion ought not to be continued, and moved the previous question.

Mr. *Williams*, of Ky. called for the orders of the day, lost—ayes 64, noes 86.

The house seconded the call for the previous question, 95 to 82, and the main question was ordered to be put by a vote of 109 to 89.

The first resolution of the committee declaring that congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the states of this confederacy, was then taken up.

Mr. *Adams* said if the house would allow him five minutes time he would prove that resolution to be false and utterly untrue.

The following gentlemen refused to vote:

Messrs. *Robertson* and *Wise*, of Va. *Glascock*, of Ga. *Thompson* and *Pickens* of South Carolina.

Before the vote was announced the house passed to the special order.

[Eight gentlemen only were understood to have voted in the negative, viz: Messrs. Adams, Everett, Slade, Clarke, Denny, Jackson, of Mass. Phillips and Potts.]

The house then went into committee on the joint resolution to authorise the president of the United States to furnish rations to certain citizens of Alabama, which was discussed at length by Messrs. *Hawes*, *Lewis*, *Townes*, *Whittlesey*, of Ohio, *Parker*, *Halsey*, *Lane*, *Glascock*, *Wise*.

On motion of Mr. *Boyd*, the committee rose.

On motion of Mr. *Lane*, the committee of the whole was discharged from the further consideration of the resolution.

The whole action of the committee being rendered null and void by the discharge,

Mr. *Miller* moved to amend by inserting the words "and Georgia," after the word Alabama.

Mr. *Cave Johnson* called for the previous question; which was seconded by the house—yeas 88, nays 34.

The main question was then put, and the resolution was ordered to a third reading.

The resolution was then read a third time by general consent, and was passed without a count.

The *speaker* presented several executive communications, after which, the house adjourned.

Thursday, May 26. The unfinished business of the morning hour, being the consideration of the report (by Mr. *Pinckney*) on the abolition petitions and memorials, was then taken up.

The *chair* stated that he had deliberated carefully upon the novel and delicate questions submitted at the expiration of the morning hour yesterday; and had found that, in a case which occurred in 1832, it was decided that the decision of the main question could not be arrested by the consideration of the subject of excusing any gentleman who might ask to be excused from voting; and, in that case, the question upon excusing was postponed till after the vote had been declared, and had never been decided to this hour.

In accordance with that precedent, the *chair* decided that it was his duty to announce the decision of the house upon the first resolution; and leave the question of excusing those gentlemen who had requested it to a subsequent stage of the proceedings; and he was proceeding to announce the vote, when

Mr. *Whittlesey* appealed from the decision of the chair, and asked the yeas and nays; which were ordered.

Mr. *Adams* said, as the chair had rested on a decision which was presented to him, he wished to state that, when he asked to be excused from voting, and was refused by the house, his reasons were assigned in writing, were entered on the journal, and were there to be found.

The *chair* replied that he was aware that such was the fact.

Mr. *Whittlesey* said that he wished to make a few remarks on the appeal.

The *chair* said it was not debatcable.

The question was then taken and decided, yeas 138, nays 46. So the decision of the chair was sustained.

The vote of yesterday, on the first resolution, was then declared to be—yeas 182, nays 9. So the first resolution reported by the committee was *agreed to*, in the following terms:

"*Resolved*, That congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the states of this confederacy."

The second resolution was then read as follows:

"*Resolved*, That congress ought not to interfere, in any way, with slavery in the District of Columbia."

The question being taken on this resolution, was decided in the affirmative—yeas 132, nays 45.

So the second resolution was agreed to.

Mr. *Adams* asked to be excused from voting, and Mr. *Granger* and Mr. *Wise* declined doing so; when, after some confusion, the question being on the third resolution, it was read as follows:

"And whereas it is extremely important and desirable that the agitation on this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

"*Resolved*, That all petitions, memorials, resolutions, propositions or papers, relating, in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

Mr. *Phillips* objected to the resolution on the ground that it was not in conformity with the instructions to the committee. It was now 11 o'clock and the *chair* announced the special order. Mr. *Pinckney* moved a suspension of the rules. Agreed to—ayes 126. Mr. *Phillips* after again rising to a question of order, moved to lay the resolution on the table—negatived, yeas 69, nays 118. The question next recurred on the passage of the resolution, and the name of Mr. *Adams* having been called, he said the resolution was in direct violation of the constitution of the United States. He was called to order, after which the vote was taken, and the resolution agreed to. Ayes 117, nays 68. [The yeas and nays will be published in our next.]

Mr. *Pinckney* moved, under instructions of the select committee on abolition, that 5,000 extra copies of the report and resolutions be printed.

The *chair* stated that the motion must lie one day.

The *chair* stated to the house that the questions of order which had arisen in the course of the consideration of the report and resolutions having been suspended, under a decision of the chair, sustained by the house, until the decision of the house was ascertained on the resolutions, upon which the previous question had been ordered, were now in order and subject to the disposition of the house. He also stated that he had received written communications from two members, stating their views on certain points of order, which were also subject to the disposition of the house.

Mr. *Glascock* arose to give his reasons for asking to be excused from voting, when a scene of confusion ensued which was only terminated by the house proceeding to the orders of the day; when it resumed the consideration of the bill to change the organization of the post office department, and to provide more effectually for the settlement of the accounts thereof.

The bill had been reported from the committee of the whole, with sundry amendments, and the question was on concurring with the committee in these proposed amendments—Some of which were agreed to without opposition, and others occupied the attention of the house until the hour of adjournment.

THE TOBACCO TRADE.

IN THE SENATE—MAY 2.

The senate having resumed the consideration of the following resolutions, submitted some days ago by Mr. *Kent*, of Maryland:

Resolved, That the president of the United States be requested to open negotiations with the government of France, as soon as the diplomatic intercourse between the two countries shall be renewed, for the purpose of placing our trade in tobacco with that country upon a more liberal footing than the existing system of administration "*en regie*" admits of, and corresponding better with the generous spirit exhibited heretofore, as well as at this time, by the United States, in reducing the duties on various products from that country.

And the question being on agreeing to the resolution—Mr. *Kent* said he had been induced to offer the resolution just read, under the persuasion that the renewal of diplomatic intercourse between the two countries would be an auspicious moment to attempt to place our trade with France upon a footing of greater reciprocity than existed at present, in his estimation, especially as regards the article of tobacco, which, in amount shipped to foreign countries, exceeds that of any other agricultural product except cotton.

We (said Mr. K.) are importing, very freely, indeed, the silks, wines and brandies from France at this time almost free

of duty. Our trade in those articles is every day increasing; and low as the duties are at present, they will, under our existing laws regulating our tariff, be made still lower during the next four years. Under these favorable circumstances, all the productions of that country, at the head of which are the articles I have mentioned, are rapidly finding their way to us, and entering freely into our daily consumption, whilst the products of the United States, sent to France in exchange increase but in a small degree, except the article of cotton. Tobacco, the growth of this country, is of a superior quality to that they are forced to grow in France, in consequence of the high duties imposed upon it; and could the government of that country be induced to reciprocate the liberal spirit evinced on the part of the government of the United States, in our commercial regulations with her, and remove the restraints existing under her laws upon our tobacco trade, which are truly embarrassing and injurious to it, it would prove mutually beneficial. France could then advantageously discontinue its cultivation, and more of her products suitable to our consumption would be produced, and those much more congenial to her soil, and the habits of her people, than the culture of an inferior description of tobacco, whilst our citizens would be encouraged in their use by finding that, in doing so, they were extending their market for an article the growth of which had been long familiar to them, and which continued to employ a large capital in its production.

I presume, Mr. President, more capital is engaged at this time in the cultivation of tobacco than is employed in producing sugar and rice together.

In Austria the system of monopoly also exists similar to that which prevails in France at this time. Under our existing commercial regulations with that country, liberal in every respect but as regards the article of tobacco, we rarely find a hogshead of tobacco from our country finding its way into an Austrian port, and it has only been latterly that the enterprising tobacco dealers of Bremen have been able to extend the quantity introduced in that country to a few thousand hogsheads.

In England, also, the duty is excessive.

I have submitted the resolution before you, Mr. President, and made these few remarks, that the attention of the executive department of the government may be forcibly drawn to an important branch of our trade, at a moment when it appears we are about to introduce in the freest manner all foreign production into our country.

Commerce consists of an exchange of commodities, and unless those exchanges are reciprocal, it cannot continue long, or to any extent beneficially. During the last three years, so far as our custom-house returns are a safe guide, our imports have exceeded our exports between sixty-eight and sixty-nine millions of dollars. I am aware that a large portion of this apparent balance, during a prosperous condition of our commerce, is absorbed by freights, commissions and profits; but let a reverse occur, and our produce be sent to a declining market, and this balance against our exports is no longer nominal; it is real, and can only be discharged by exporting our specie to pay it.

The resolution I have submitted refers to a lucrative portion of our trade; one valuable from its amount as well as its importance to our shipping interest. From its bulky character, it requires a large proportion of tonnage to transport it to market. Under these considerations, I hope it will receive the sanction of the senate.

The resolution was then agreed to.

FOREIGN PAUPERS.

In the *senate* of the United States, May 2, Mr. *Davis*, of Massachusetts presented the following resolution, adopted by the legislature of that state.

Resolved, That it is expedient to instruct our senators and request our representatives in congress to use their endeavors to obtain the passage of a law to prevent the introduction of foreign paupers into this country, and to favor any other measures which congress may be disposed to adopt to effect this object.

Mr. Davis said he feared the resolve would not be fully understood in all parts of the country, and would therefore take leave to offer some explanation of the reason which had probably induced the legislature to act upon the subject.

He need not say it was important, as, otherwise, it would not be presented here in this form. If he did not mistake the signs of the times, the wrongs which had been inflicted on Massachusetts would soon reach other places, and the country would participate in her sentiments.

It is well known that pauperism in Europe has become a great and oppressive burden. In England, especially, it has become so powerful in numbers and physical power, as to be, in some districts, almost uncontrollable. The number had not, to his knowledge, been accurately ascertained, but the means were at hand to prove that the aggregate and power were great and oppressive. It appeared, from parliamentary documents, that in 1818, the sum expended by the parishes in England and Wales alone, where these corporations provide for the poor, amounted to about thirty-eight millions of dollars; a sum greater than the whole revenue of this country for public purposes.

The burden, as well as other evils, were so severely felt, that the public attention had been drawn to the subject, with a hope of obtaining relief. Much had been written and much said, but no efficient action had taken place up to 1833, when the king appointed a commission, with large powers, to collect evidence, and report to the parliament. The commissioners appointed a large number of sub-commissioners, assigning to each a district, and authorising them to collect evidence, and report to the general board.

They proceeded in the execution of their duty, and their reports, with the evidence, went with the report of the general board into parliament, when all were published, and fill a large number of closely printed folio volumes, which are in the possession of the United States.

These volumes shed light upon this subject, which may well fill the mind with astonishment.

The evidence shows that the paupers of England and Wales are debased, demoralized and depraved to a degree that surpasses belief; and the commissioners impute much of this to the mode of granting relief. This deserves to be much considered; for the mode did not essentially differ from that pursued in many places in this country.

It was founded on an equitable arrangement, by which they attempted to measure out relief in proportion to the necessity of the pauper. It appeared that the relief was furnished by a scale, it is called, and the pauper usually received it at his place of abode.

To a married person the allowance was more liberal than to one single; to one with children more liberal than to one without. Consequences of the most disgusting character had resulted from this arrangement.

Marriages, such as could never have been anticipated, had been solemnized. Women advenced in life had led minors to the altar, and nuptials of the most thoughtless, revolting character had been consecrated, and followed by domestic relations, such as may be easily imagined where there is no motive to union beyond the sordid one of obtaining larger allowances.

As children give to the parent enlarged claims to public bounty, females abandoned themselves to shameless debauchery, and thus, and for such causes, seduction and open profligacy were encouraged. These were not matters of occasional occurrence, but, as the commissioners state, common, every day's practice.

So shameless and lost are they to all moral decency and propriety, that they treat with scorn and contempt those who endeavor, by honest labor, to sustain themselves; they sneer at them as slaves to their own necessities, as in a condition less independent and more to be deplored than their own, holding themselves to be a privileged body, an aristocracy living upon what they extort from others. Thus they seduce the industrious from their principles and habits, and convert them into associates in their own idleness and vice.

In this manner the tide of pauperism has swelled and swept with a fearful current over some portions of England, bidding defiance to the laws, and almost prostrating the civil authority.

In one parish the numbers increased, and the demands with them, until the taxes exceeded the rents and income of the whole landed territory, and landlords and tenants, being thus made paupers, abandoned the soil.

In many parishes the officers have declared, that they dare not withhold relief, even when demanded by persons well able to support themselves, for fear of personal injury or malicious mischief to their property; and it is said, that the burning of many ricks of hay and grain, of which we have heard, come from this cause.

Such is a faint outline of the picture of idleness and moral depravity disclosed by this evidence, and it is but an outline, for the details of disgusting particulars would more than sustain and fill up the picture. The proof shows that their lives are stained with guilt and crime. It is greatly to be deplored that such a state of things exists; but such is the character of these proofs, that it may well be doubted if there is among civilized man to be found another class so reckless and depraved.

It is not singular that the body politic should seek relief from such a disease, preying upon its vitals, and threatening it with abiding infirmity.

This, (said Mr. Davis), brings me to a point where I will show the interest which the American people have in this matter. In the course of the inquiries made by the commissioners, they discovered that some of the parishes had, of their own accord, and without any authority in law, as it seems, adopted the plan of ridding themselves of the evil, by persuading the paupers to emigrate to this side of the Atlantic. And whom, Mr. President, did they send? The most idle and vicious; furnishing them with money, besides paying their passage, and then leaving them on this continent, either to reform, or to rely on the people here for support. The commissioners, forcibly impressed with the efficiency of this plan, as a complete remedy, strongly recommended to parliament to adopt it, and to authorise the parishes to raise money by taxes for this purpose. They propose, too, that the most idle, debauched and corrupt, the incurable portion, should be selected for this purpose; while the better portion should be left, to be reclaimed when detached from the force of evil counsel and evil example. They do not, it is true, propose to send them to the United States; this would be too bold a proposition; but it seems that they have no objection to their finding their way hither. True to their own sentiments and unconquerable idleness, these paupers no sooner reach here, than they cast them-

selves upon the public for support. Those acknowledging themselves to be pauper emigrants, have been repeatedly found in the house of industry in Boston, with the very money received from the parish concealed about them, and, in some instances, to prevent detection, sewed into their clothes. Out of 866 persons received into that place, during the last year, 516 were foreigners; not all, by any means, of this class, nor is it possible to ascertain how many. In this way, Massachusetts disburses from her public treasury, over fifty thousand dollars annually, to relieve foreign paupers, and this but imperfectly meets the expense.

She has attempted to modify the evil by countervailing legislation, by requiring bonds from masters of vessels bringing foreign passengers, conditioned that for a given period they shall not become chargeable to the public. This, however, proves inadequate; for while her laws on this subject are more humane than some of the adjoining states, the emigrants will find their way into the commonwealth. Many, doubtless, are sent out to the neighboring provinces, and thence come to us coastwise; others, perhaps, have, or will enter by the Canada frontier, and penetrate to places where they can find the best provision for them. They have been detected in New York, as in Massachusetts.

Now, sir, is it just? Is it morally right for Great Britain to attempt to throw upon us this oppressive burden of sustaining her poor? Shall she be permitted to legislate them out of the kingdom, and to impose on us a tax for their support, without an effort on our part to countervail such a policy? Would it not be wronging our own virtuous poor to divide their bread with those who have no just or natural claims upon us? And above all, sir, shall we fold our arms and see this moral pestilence sent amongst us to poison the public mind, and do irremediable mischief? Sir, I hope this country will always afford an asylum to the worthy and oppressed, of all classes and conditions; but humanity makes no appeal to us to receive and cherish those who have no respect for virtue, morality or themselves; those who are forced among us, because they are too corrupt, debauched and indolent, to be tolerated in a country not over scrupulous in its morals.*

The subject, sir, merits consideration and further examination; and I move the printing of the resolution, and its reference to the committee on commerce.

The motion was agreed to.

*Since making the above remarks, the following table has been furnished by a friend:—

Names of parishes.	Counties.	Raised or borrowed for emigration.	Number of persons who had emigrated.	To what places emigrated.
Hambledon	Hants	£300	28	Upper Canada.
Ingoldsthorpe	Norfolk	32	4	Do.
Great-Ringstead	Do.	200	27	Do.
Pewsey	Coilts	130	21	Do.
Stalbridge	Dorset	100	23	United States.
Sancroft and Southelnam	Suffolk	35	9	Prince Edward's island.
Crimbish	Essex	80	22	Upper Canada.
Great-Halinbury	Do.	50	5	Do.
Stansted, Mount Fitchet	Do.	30	4	Do.
Renwick	Cumberland	25	9	Do.
Aldington	Kent	65	9	Do.
Chawton	Southampton, N. B.	100	*6	Do.
Stanton, St. John	Oxford	40	4	Do.
Sussex	Sussex	140	12	Do.
Gapton	Do.	85	9	Do.
Wisborough Green	Do.	100	10	Do.
Heene	Do.	250	63	36 U. Canada, 27 U. S.
Shipley	Do.	600	42	Upper Canada.
Felpham	Do.	111	13	Do.
Bepton	Do.	£2,473	320	
19 parishes.	11 counties.			

*What a cost! How miserable they must have been.

New York, May 18. Within the past sixteen days, up *to four o'clock*, P. M. of Monday, there have arrived at this port 5,740 passengers. Upwards of one hundred of this number applied for relief to the commissioners of the alms-house. *The several parishes from whence they come, have paid many of their passages for the sake of getting rid of them.* The above number is exclusive of vessels carrying less than forty passengers.

[*Herald.*

THE INDIANS.—WINNEBAGO SCHOOL.

From the Galena Advertiser.

The school established by government, for the benefit of the Winnebagoes, at Prarie du Chien, contains at this time, 9 scholars, viz:

Three Winnebago boys, and one woman of the same nation.

One half breed woman (Winnebago and Sac) and her little girl.

One quarter breed girl (Winnebago and white).

One Menominee woman and her daughter, (half breed).

When we look at the expense which this establishment has been and is to the government, and the little benefit which the Indians derive from it, it may well excite the surprise of those who believe that government should be administered with an eye to the strictest economy, that it is not abolished at once. Here are a few of the items of the expense to the government of this *philanthropic* institution. The buildings in the outstart, cost the government $3,000, and the annual expense of the establishment $4,500. The teachers' salaries, boarding of scholars, and other immediate expenses of the school, $3,000, add to which $1,500 for labor on a farm attached to the establishment makes the sum $4,500. This sum, treble what it ought to be, is expended to little if any purpose. The school is not recognized by the Indians, and is looked upon by them with any other than friendly feelings. They have taken their children away from it, and are loud in their execrations against government, for imposing it upon them. Its expenses are defrayed by government, but nevertheless they look upon it as another fraud and imposition upon their ignorance and credulity, which has so repeatedly been practised upon this frontier. The manner in which the Indian department has been conducted, is perfectly unknown to the public generally, but could all the facts connected with the department come out—could the transactions of the department with its under agents, traders, &c. and they with the Indians, be laid bare to the public gaze, we are confident there would be but one opinion among honest and disinterested men, of its value or benefit to the government or the Indians, under its present organization. The manner of paying money to the Indians, we look upon as a very poor one at best. The English mode of treating with the Indians we consider altogether the most proper and beneficial to all concerned. We are not disposed to find fault without a cause, neither are we about to suggest a new method for a different organization of the department, but we believe if a different course was pursued towards the Indians, we would not hear of so much discontent manifested among them. Let government once or twice a year, spring and fall, assemble the Indians by tribes, at some convenient point, and make them presents, not in money, but in corn, meat, blankets and other necessaries of life, to the full value of their annuities, and let these presents or rations be distributed by honest and responsible men, who have no pecuniary interest in their disposal, and under the direct surveilance of the department. We are confident that if some such arrangement could be effected, it would operate advantageously to the future peace of the frontier, and while rendering the Indians comfortable and at ease, it would preserve a friendly disposition towards the whites. Responsible men can be found all along the frontier, every way competent, by acquaintance with the habits, character and disposition of the Indians, for disbursing agents. Warehouses might be built and furnished for the purpose with a supply for each tribe per year, and enough might be given out to them at one time to last them until another regular distribution. Government having purchased their lands, their finest hunting grounds, and located them on lands which yield little or nothing from cultivation or game, many of the tribes are in a truly pitiable condition. They dare not come back on their old hunting grounds, lest it be deemed an infraction of the treaty, which they had agreed to, in many instances, while in a state of little better than inebriety, and defrauded and swindled by men in whom they had put confidence, the poor devils are left to pick their way through the world as they best may, living upon the scanty roots which the soil affords, or shooting the settlers' hogs and cattle when they happen to wander too near their wigwams. In this state of things it is not the least surprising that their passions should become inflamed, and discontent spread rapidly among them. Government should take them into its especial keeping and protection. We have realized an immense surplus revenue from the sale of their hunting grounds, and in what manner could we better dispose of a part of it, than in ameliorating their condition as far as possible, and in strengthening the friendly relations existing between us.

At present many of the immediate disbursing agents, are traders, who have credited the Indians to a large amount in expectation of deducting it out of their annual annuities when the money should be placed in their hands. We are informed that one trading establishment had credited the Indians to a heavy amount, during the past year, no one knows for what, and when the annuities came on, refused to distribute them, but hold on to the whole amount—$11,000. Is this justice to the Indian? Is this the way that a high-minded, liberal people should treat the weak and deluded sons of the forest? Assuredly not. But the answer may be returned that the Indians have received the value of the money in goods and *liquids*—perhaps they have. But do these gentlemen—these traders, account for the distribution of the money, and how and to whom was the money distributed? They *may* account to the superinten-

dent of Indian affairs, but are these accounts open to the inspection of the public?

Why is it that we never hear of Indian disturbances on the Canadian frontier? Because the policy pursued by that government towards their red neighbors, has been such that it secures the good will, while it ameliorates in a degree, their moral condition. The Indian knows not the real value of money, only that it secures to him the gratifying of his vicious propensity for drink, which the whites have introduced, is the summit of his wish as long as he has a cent of the unexpended annuity left in his pouch. This excites brawls among themselves, often, yea very often, ending in the destruction of life, and sometimes in the death of a white, against whom they have a grudge, or from whom they have received an affront. If a white man kills an Indian, there is nothing said about it—the offender is never brought to justice. But if an Indian kills a white man, he is pursued with the utmost rigor of the laws—detachments of troops are sent in pursuit, and the offender is demanded of the tribe of which he happens to be a member. So there is no other resource but to surrender up the offender, or resist in open and sanguinary war. The offender is taken by the *whites*, tried by the same, *whites* give testimony against him, and he is finally executed by the *whites*.

But the school. Letters have frequently gone on to Washington, disclosing the real situation of this establishment, but there appears to have been no attention paid to them. Individuals have laid these facts before the department, and yet there is no remedy. Government still pours its thousands into the lap of the rev. schoolmaster, without considering whether the Indians reap any benefit from the institution or no. How long this state of things may last, we know not, but if there is not something done, and that speedily, in relation to this matter, the department will not gain many admirers of its efficiency and usefulness, in this quarter. All parties join in the opinion, that 4,500 dollars per annum for educating nine Indian women and children, is paying rather dear for the whistle.

TO THE PUBLIC.

Kalamazoo land office, April 20th, 1836.

The undersigned deeply regretting the nefarious transactions, which are daily practised and repeated by certain individuals in the vicinity of this land office, and impelled by a sense of duty, both to the public and themselves, feel bound to state, that from facts and circumstances within their knowledge, they are thoroughly convinced that numerous individuals, without capital, and without integrity, are in the constant practice of making applications to the register of this office for large quantities of land for the purpose of imposing upon the honest purchaser, by inducing him to pay them for what they are pleased to call their *right*, thereby assuming and exercising a partial control over numerous lots of land, without either the intention or ability to pay for it, and in many instances with no knowledge of its quality. This practice, so dastardly in itself, and so injurious in its consequences, is nevertheless beyond the power of the officers wholly to prevent. Many instances have therefore occurred where these gentry have taken applications for land and being unable to sell their *right*, have failed to complete them—thus leaving the land marked on the plats as sold until the arrears of business could be brought up and the fraud detected. Other individuals may have honestly applied, in the mean time for the same land, and been answered that it was taken, when an application, subsequent to the detection of this fraud, may have purchased it; thereby causing, on the part of the intermediate applicants, just indignation, and inducing them in some instances, to reproach the officers and charge them with exercising partiality among purchasers. It is therefore confidently hoped, that real and honest purchasers will aid in suppressing this species of swindling, by treating every effort of the kind with merited contempt.

A. EDWARDS, *register.*
THOS. C. SHELDON, *receiver of public moneys.*

DINNER TO MR. FOX,

In celebration of the mediation of Great Britain between the United States and France.

A number of gentlemen of *Baltimore* having determined to express their approbation of the liberal course pursued towards the United States by the government of Great Britain in the affair of the mediation, took an early opportunity after the arrival of *Henry S. Fox*, esq. his Britannic majesty's minister, to invite him to a dinner to be given at Mr. Page's in this city, on the 7th inst. Mr. Fox promptly accepted the invitation, and suitable preparations were accordingly made to signalize the event which the dinner was intended to celebrate. The chief justice of the United States, the vice president and the heads of departments, the diplomatic representatives of foreign powers, (including the secretary of the British legation and the British consul at Baltimore), the commissioners of the navy, the Maryland senators in the United States senate, the representatives in congress from the city of Baltimore, the district judge of this district, and the mayor of the city, were invited as guests.

On Saturday, the 7th inst. the company sat down to dinner at half past six o'clock. The table was most sumptuously supplied with every thing to gratify the palate, served up with an elegance certainly never surpassed, if ever equalled, at any public dinner in this city. The liberality and taste of the host, Mr. Page, were conspicuously displayed in the abundance as well as in the matchless cookery of his viands, in the delicacies which his research had provided, in the costliness, excellence and variety of his wines, and in the rich embellishments with which the board was adorned. The room was decorated with portraits of the president of the United States and of William the fourth, surrounded each with the flag of his country. For the taste exhibited in these and other arrangements of the feast, we are indebted to col. *John Thomas.*

Mr. *Gilmor* presided, assisted by *J. Meredith, J. P. Kennedy,* Dr. *Macauley* and *J. S. Nicholas* as vice presidents.

During the evening the company drank the following toasts:

1. The president of the United States.

2. His Britannic majesty William the fourth—we recognise in his late mediation, on one hand, the chivalrous courtesy of a gallant nation to an ancient and brave foe and, on the other, an honorable acknowledgment of the ties of kindred to a people who have inherited with English law and liberty a claim to share in the early triumphs of England's arts and arms. May this sentiment be the sure foundation of perpetual friendship between us and our father-land.

This sentiment was received with a lively manifestation of good feeling by the company, and was responded to by Mr. Fox in the following language:

Gentlemen: I thank you, most cordially, in the name of my government and of my country, for the manner in which you have drunk the health of the sovereign of Great Britain, and for the handsome terms in which you have spoken of the late offer of mediation. That offer has been nobly responded to by the government and by the people of America. We know that the office of peace-maker is blessed throughout all lands; but how supremely gratifying, when the occasion is found for exercising that office towards a friendly and a kindred nation!—towards a people who feel and acknowledge the kindness of the act, and who well know the value of its results! Gentlemen, I may truly say that it is for the interests of the whole human race that America should continue to enjoy the blessings of peace—for America knows how to turn those blessings to a noble use. When I behold the amazing, the unexampled progress which this country is making, is daily and hourly making, in all the paths of peaceful civilization, in arts and in literature, and in every noble enterprise of industry and commerce; when I behold these things, and when I reflect, on the other hand, upon how nice a balance the event seemed lately to hang, whether all these happy pursuits, whether all these fair hopes, were not to be suddenly crossed and interrupted by the rude hand of war—I feel that it is a just cause for exultation to an Englishman that the mediation of his government has been in some degree instrumental in averting so cruel a calamity. I firmly believe that so long as friendship subsists between England, America and France, they may command peace over the globe. I am as firmly persuaded that a war now waged between any two of these three great liberal powers would retard, and perhaps for generations to come, the general improvement of mankind.

Gentlemen, in thanking you for the toast you have drunk to the health of my beloved sovereign, I will add that, if ever there was a king in the world whose name may be hailed with pride and satisfaction in an assembly of freemen—in an assembly of American citizens—it is king William the fourth of England. For already, during the few years that he has reigned, and under his generous auspices, a greater progress has been made in England in strengthening and securing our free and popular institutions, than during long ages that preceded. As Americans, you are partakers, you are inheritors, together with ourselves, of the glorious birthright of British liberty; and I am sure that you behold with interest and affection the present course of public affairs in England. You there behold a king and his subjects, not madly struggling against each other for vain supremacy, but a patriot king leading on a willing people in the great march of intellect and improvement—a government and a nation laboring cordially together, not to extend the dominions of their country by war, but to render its social and political institutions more free and more popular. This is the great work in which your brethren in England are now employed, and I am sure that they have the good wishes of the people of America for their success.

Gentlemen, my sincere and ardent hope is that the friendship which now unites our two countries—the two great nations of kindred race that people America and England—that our friendship may be as lasting as it is honorable and precious to both. We will all strive and study to cultivate and to perpetuate it. We owe this to our common language, we owe it to the memory of our common ancestors. Americans will not forget that in England repose the ashes of their fathers; and England will look with pride and exultation upon America, as the noblest, the first-born and the best beloved of her children.

Mr. *Fox* concluded by offering the following sentiment:

"*The United States of America*—May the friendship which unites the two kindred nations of America and England be as lasting as it is honorable and precious to both!"

This was followed by—

"*Our guest*—We tender him the cordial welcome due to the station he fills, and the name he bears; both deeply interesting to the affections of the American people."

This toast drew forth a second reply from Mr. *Fox*, which was delivered with much emotion:

"*Gentlemen*: I am overcome with the very kind and flattering manner in which you have been good enough to drink my health. I want words to express my sense of your kindness.

The friendly, and I may say the affectionate welcome which I have met with in America, can never be effaced from my recollection. If my conduct, as British representative in this country, shall in any way contribute to strengthen the ties of friendship which now unite America to England, that will indeed be the most fortunate circumstance of my life. Gentlemen, it has been my destiny in the public service, to be for many years absent from my native country. But I assure you that I have felt, upon landing in America, as if I were at once returned to my family, and my home, and my native land. I have found myself among men who speak the same language, who have the same thoughts, habits and feelings—who are governed, almost by the same laws and institutions—who look back with pride upon the same pages of history—who delight in the fame of the same poets and orators: in short, I have found in America another England.

"Gentlemen, you have been kind enough to allude to the name which I bear, and to the affection with which that name is cherished in America. I thank you most cordially for that friendly allusion. I feel, indeed, in this country, a peculiar pride in being related by birth to a British statesman, Mr. Charles Fox, who was the truest and earliest friend to America that appeared amongst my countrymen. If we might imagine that the spirits of great men that are departed could look back upon the world which they have left, how it would cheer that generous spirit to behold the America of the present day—to see that the greatness, which he oftentimes in the British parliament prophesied for this free and happy land, has been more than realized—to find those prophecies a hundred and a thousand fold fulfilled!"

Mr. *Fox* concluded with the sentiment:

"*The city of Baltimore*—Long may liberty and peace protect the industry and enterprise of her citizens!"

General *Smith*, the mayor of the city, rose to reply to Mr. Fox's last toast, and after some appropriate remarks, uttered with a firmness of tone that showed the vigor and animation of the veteran whose fire time has not yet been able to quench, gave the following:

"*The floating bulwarks of Great Britain and the U. States*—a host against the world. May they never again be found in hostile array against each other."

The president then announced

4. *Charles Bankhead*, esq. secretary of the British legation—He has added a new claim to our regard by his efficient co-operation with his own government in the restoration of harmony between the United States and France.

Mr. *Bankhead* rose, and replied—

Gentlemen: I beg leave to return you my best thanks for the honor you have conferred upon me by drinking my health.

I am so little in the habit of addressing a public company, and and especially so distinguished a party as that now before me, that I must crave your indulgence. I assure you that I am deeply impressed by your kindness, although I am utterly at a loss to give a proper expression to my feelings.

I received with unalloyed pride and gratification the order of my government to offer his majesty's mediation to the president of the United States; and whatever difficulties I fancied would exist in the fulfilment of that negotiation, they were instantly dispelled by the prompt and friendly reception and acceptance of that offer by general Jackson and his cabinet. Such conciliatory conduct will be viewed with admiration by his majesty's government, and must have the effect of healing those differences which existed for a moment between the United States and France, and of restoring to their former intimacy the relations of friendship which have so long united those two nations.

I beg leave to propose the following toast:

"May the intercourse subsisting between Great Britain and her glorious offspring, the United States, ever have for its basis mutual attachment and good will, and the exercise of a just and honorable ambition."

After the mayor had retired, his health was proposed and drank; and as the hour of midnight approached, the guests withdrew. Soon afterwards the company broke up. Thus concluded an evening replete with social gratification, and to the enjoyments of which every one felt how important a share had been contributed by Mr. Page. [*Patriot.*

EMPLOYMENT OF BOYS.

The following bill is now before congress.

A bill to encourage the employment of boys in the vessels of the United States.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That from and after the ——— next, every registered vessel of the United States, of the burthen of two hundred tons, and not exceeding two hundred and fifty, when bound on a voyage to any foreign port whatsoever, it shall be the duty of the master, or owner or owners of said vessel, to employ not less than one boy; over two hundred and fifty to five hundred tons, two boys; and all vessels over five hundred tons, three boys.

Sec. 2. *And be it further enacted*, That the owner or owners, or master of said vessel or vessels, are hereby authorised to take said boys as apprentices, from their parents or guardians, on such terms and conditions as may be respectively agreed on between them; or the owner or owners, or master of said vessel, may hire said boys from their parents or guardians, at such monthly wages, for the voyage, as may be agreed on between them.

Sec. 3. *And be it further enacted*, That no registered vesse of the description herein mentioned shall be permitted to clear from any custom house of the United States, for a foreign port, until the master, or owner or owners, shall exhibit to the collector satisfactory proof that said owner or owners, or master, has engaged the number of boys required by this act for the intended voyage.

Sec. 5. *And be it further enacted*, That if any master, or owner or owners, shall permit his or their vessel to depart for any foreign port, from the United States, without having complied with the provisions of this act, the said master, owner or owners shall be fined in the sum of three hundred dollars, to be recovered in the usual manner as other fines and forfeitures are recovered under the laws of the United States.

CRUISE OF THE PEACOCK.

By the ship Shepherdess, from Bombay arrived at Salem, we have received papers and letters to the 23d December. At that date the U. S. ship Peacock and schooner Enterprise were at Columbo, Isle of Ceylon, where they had put in for water, &c. The officers and crews of both vessels were in good health, and not a death had occurred since the commencement of the cruise. [*Gazette.*

We find the following correspondence in the Bombay Gazette of the 15th December:

Messrs. Editors. Assured that you will not object to publishing the enclosed copy of a letter from commodore E. P. Kennedy, to sir Charles Malcolm, I forward it to you, to show you that we are not unmindful of the kindness and attention received from the officers of the government during our stay at Bombay.

I am sure that the friendly feelings produced by our visit to this presidency will be long cherished by us. Very respectfully, yours, obediently, C. W. STRIBLING.

U. S. ship Peacock, Bombay, Dec. 2d, 1835.

COPY.

SIR: I cannot leave Bombay without expressing through you the obligations which I feel to the master attendant and the officers of the dock at this place, for the prompt and efficient assistance which I have received in the repairs of this ship, and the schooner Enterprise; without such friendly aid and assistance, our refit would have been attended with increased expense and delay. I would at the same time desire to express, in the name of my country, the obligations I feel to the governor in council for his ready compliance with every request which I have had occasion to make: and I shall take care that the government of the United States is duly informed of the same. Permit me also to say, that for your continued personal attentions, I cannot express myself in terms equal to my feelings. I am, sir, with great respect, yours, respectfully,

(Signed) E. P. KENNEDY,
commanding U. S. naval forces.

To capt. sir Charles Malcolm, R. N. superintendent of the Indian navy.

U. S. ship Peacock, Bombay, Dec. 1, 1835.

CRUISE OF THE VINCENNES.

Copy of a letter received by the secretary of the navy, from captain John H. Aulick, dated

U. S. ship Vincennes, Lintire, January 6, 1836.

SIR: By a vessel on the point of sailing for New York, I do myself the honor of informing you, that I arrived at this place on the second instant. As I was not apprised of the intended departure of this vessel until within a few hours since, want of time precludes my making at present, a full report in detail of my proceedings since I left the coast of Peru, and compels me to limit myself to inform the department, that in the course of my passage across the Pacific, I visited the Washington or Northern Marquesas, the Society, the Friendly, and the Navigators' islands; Wallis' Island, Rotonah, Quam, Lord North's and the Pelecca islands. From the last named I brought off, after considerable difficulty with the chiefs, the only remaining men (two) of the crew of the Mentor, left there as hostages by captain Barnard in 1832. Of the six of his crew which he left on North's island, four died, and two made their escape in a passing vessel, some months ago.

I have taken off the different islands I have touched at, in all, twenty American seamen, who had been left on shore in a desolate condition by different whalers and traders; the greater part of whom I have put on board, by their own consent, of various American vessels that were in want of hands.

We have all enjoyed remarkably good health, and there are this day but five on the surgeon's report, and those with but trifling complaints. I had but a few days since anticipated the gratification of being able to report that this interesting cruise had been thus far accomplished without the occurrence of a single casualty or accident of any description whatever; but unfortunately, on the very day we entered the China sea, William Williams, (a seaman), fell from aloft overboard, and although the life buoy was dropt near him, and every effort promptly made to save him, he was so much injured by the fall, that he almost immediately sunk and was lost.

I shall leave here for the west coast of Sumatra by way of the straits of Malacca; as soon as I have put my sails and rigging in order, and take in the necessary supplies of provision and water which will probably be about the 25th instant; and I hope to arrive in the United States in all June.

I herewith enclose the monthly returns up to the 1st of this month. I have the honor to be, sir, very respectfully, your obedient servant, J. H. AULICK.

COMMERCIAL BANK INVESTIGATION.

From the Albany Evening Journal.

IN THE SENATE OF NEW YORK.

Report of the select committee on the Commercial bank investigation.

The select committee, appointed by a resolution of the senate, of the 16th of February last, to inquire whether any member of the senate was concerned with the late cashier Bartow, in his abstraction of the funds of the Commercial bank, &c. submit their proceedings, the expose of the bank, the answer thereto of Mr. Kemble and Mr. Bishop, and the testimony which was adduced on the investigation, together with the following

REPORT:

It may, perhaps, be proper in the first place, to spend a few moments in an examination of the nature, extent and object of the jurisdiction which is conferred on the senate by that clause in the constitution, which constitutes it the judge of the qualifications of its members. It was, doubtless, under the authority derived from this clause, that the committee were instructed to make the inquiry which was committed to them.

This power of judging, it is presumed, gives no authority to the senate to supervise the talents, patriotism or learning of any of its members, nor to prescribe any standard of religious or political opinion, or any particular grade of moral worth.—With respect to these, and all other general qualifications, or disqualifications, the electors are the only judges; and although they may be sometimes deceived, yet the mischief is but temporary.

But every legislative body must have rules of proceeding in the transaction of its business: and to these rules it is indispensable that its members should conform. Of this conformity, the senate is the only judge; and its existence, as a deliberative body, requires it to enforce, if necessary, obedience to its rules, and even to expel any member who might put its authority at defiance.

There is also a moral supervision which, of necessity, belongs to the senate, and which, on all proper occasions, it is bound to exercise. If a member of this body should so far forget the duties of his station, as to prostitute his official acts to the purposes of private gain or individual emolument, such a dereliction of official duty, when brought to the notice of the senate, would call for a prompt examination, and if sustained, would require such reprehension as the character of the transaction might merit. Gross and notorious immorality also, which should indicate a palpable want of moral principle, such as would be calculated to tarnish the character of the senate, and bring its acts into disrespect and contempt, would be a fit subject of examination and censure.

To legislate is the highest and holiest function, that man can delegate to his fellow man. Life, liberty, property and the pursuit of happiness, are materially dependent on the integrity of legislation. Laws affect a whole community, and much of the respect and obedience which they inspire, arises from the purity of the source from which they are supposed to emanate. It is, therefore, of vast moment to the public morality, and to the general good, that every legislative body should preserve itself free from imputation or reproach. And should any of its members conduct in such manner as to attach odium to their official associates, it is due to the community which they represent, it is sanctioned by immemorial parliamentary usage, and is required by the dictates of reason and justice, and the laws of self-preservation, that they should shield themselves from imputed censure and reflected disgrace, by an open reprobation of the delinquents. But this supervision should never be exercised, except in cases which are distinctly marked with an obvious derelection of moral principle. It is better to leave the ordinary delinquencies of public men to the correction of public sentiment, than to waste time in making an exhibition of venial frailties. It may, perhaps, be assumed as a safe position, that should a member of the senate be guilty of such glaring immorality, or such official misconduct, as would produce a clear moral conviction that he would be condemned by his constituents, if put to the test of the ballot box, it would be the duty of the senate in such case, in deference to public sentiment as well as out of respect to itself, to expel such member from his seat. This position is founded on the assumption, that the senate ought to maintain a tone of moral feeling, as lofty and as pure as is maintained by the community which it represents.

If the foregoing suggestions are sound, they will furnish some guide to the committee and the senate in the examination of the voluminous mass of testimony which is herewith submitted. In the judgment of the committee, much of the evidence has very little, if any, application to any matter of which the senate should take cognizance.

The committee do not consider it their duty to inquire, whether any of the directors of the Commercial bank may have been influenced by personal or political hostility, in their disclosure of a supposed connexion between their late cashier Bartow, and Messrs. Kemble and Bishop, in the abstraction of the funds of the bank. Nor whether the suspicion or knowledge which some of the directors may have had last spring and summer, that Bartow was dealing more or less in stocks, ought to have shaken their confidence in his integrity, and put them on their guard. If the reliance of the board in the integrity of their cashier was too unbounded, the visitation for that indiscretion or apathy, has been severe. Nor is it of any moment, in the opinion of the committee, to examine minutely the purchases and sales of stocks, the losses or gains which their fluctuations produced, or to trace the late cashier through all the evolutions of stock gambling to his final catastrophe: And it is not, as the committee believe, legitimately within their province to inquire, whether there was such a connexion between Messrs. Bartow, Kemble and Bishop, as to make the two latter legally responsible to the bank for that portion of its funds which was drawn on their checks. It is not legal liabilities, but moral and official delinquencies to which the committee believe their attention ought to be exclusively directed.

The purity of modern and improved ethical science reprobates the position, that the ends justifies the means, or the means the end. The committee do not, therefore, perceive the materiality of endeavoring to ascertain whether, in the purchase and sale of stocks, in which Messrs. Bartow, Kemble and Bishop were jointly interested, money was or might have been made or lost. In a court of conscience, the moral character of any human transaction cannot be materially changed by the contingency of failure or success.

The committee will, as they have before intimated, omit to enter into a minute review of the great mass of testimony, and will confine themselves to a short commentary on such parts of it only as they deem material. They will also exclude from their consideration, every extraneous matter, whether of accusation or of exculpation, and confine themselves strictly to the evidence.

They would in the first place call the attention of the senate to eight letters of Messrs. Bishop and Kemble, directed to H. Bartow, and found among papers which he left when he absconded. These letters will be found in the expose of the bank, and were admitted by Messrs. Kemble and Bishop to be genuine. From them it clearly appears, that Messrs. Kemble and Bishop was largely engaged in the purchase and sale of stocks, in which Bartow and they had a joint interest. To carry on these stock transactions, they drew on the Commercial bank for large sums of money, which were paid by Bartow's directions; the amounts of which drafts are particularly detailed in the testimony of Mr. Lovett, the teller of the bank. There seems to have been some agreement, by which Messrs. Kemble and Bishop were to deal generally in any kind of stock in the market; were to buy and sell, and draw on the late cashier Bartow for the necessary funds. The nature and extent of the mutual interest which existed between Messrs. Kemble, Bishop and Bartow, in their extensive dealings, may perhaps be inferred from the letters of the two former; but of the exact time when the agreement creating this interest was made, the committee have found no proof, except that which is contained in the evidence of Mr. Bishop.

In the first letter of Mr. Bishop, dated the 25th of May, as the committee understand it, a loss which had been previously sustained or anticipated, in some stock transaction, is alluded to in the following words: "If we have been sucked, I extremely regret that it was not to a much greater extent." And in a postscript to the same letter, by Mr. Kemble, he apprised Bartow of large purchases of stocks already made, and to be made, and closes by saying, "you need not fear that we are sucked." Mr. Kemble's reason for this assurance, seems to be found in his previous remarks, respecting one kind of stocks: that "having about 175 shares, we design to buy up 1,050 or more, and, in alliance with ——— run it up." In Mr. Bishop's letter of the 26th of May, he informs Bartow, "we sold all our Harlaem, purchased and on subscription, yesterday afternoon, at 112 to 112½; to-day it is worth more, but it is *a damned bubble*. I would engage to sell, at 30 days, for 105; we have made money on it, and let others do better. I was especially induced to sell, as you seemed to be fearful of losing upon it, (from your letter). We yesterday afternoon purchased 359 shares of Long Island rail road, at 102¾ to 103, which including 185 on subscription, is 525 shares. I would take 1,000 more at the same price." &c.—Again, in the same letter, "I have been in hopes you would advise us of your opinion in reference to stocks, and instruct us to buy something; but you do not seem to be in a speculating mood." Again, "we got 100 more of the Long Island at 103, but it immediately advanced to 104, and so we are up as to that. We have now 625 shares, $31,250. I think we shall make $1,500 upon it."

In Mr. Bishop's letter of the 29th May, he informs Bartow, "I have barely time to observe, that we have drawn upon you for $12,500; you must not be alarmed. We have the advice of the best financiers in this city, and although stocks are now depressed, rely upon a reaction."

In Mr. Bishop's letter of the 16th July, he says: "I observe from the newspapers that the stocks in which we are interested, are rather low. I am willing to sell at present prices, if it is thought best by all concerned," &c.

In Mr. Kemble's letter of the 6th of October, he writes to Bartow as follows: "The long wished for event has arrived.—Long Island has gone up, and may still go up or down, as we determine. I have negotiated day after day, and kept the business unfinished, until an expression has gone abroad in Wall, that a combination has been formed. But I have not pledged our stock; and it can *now* probably be sold at 105, and upwards,

or a most excellent arrangement can be made *to run it up*, and then dispose of it. Those who have been buying largely on time, are now in our power, and are willing now to come to almost any terms.

"I wish yourself or Mr. ——, to come down immediately, and have all our stock in hand, so that we can sell if we think proper, or otherwise *ripen a combination.*"

From the above extracts the character of the business in which Messrs. Kemble and Bishop were engaged, by the aid of funds drawn from the Commercial bank, is sufficiently obvious.

The frauds, concealments and false entry of Bartow, connected with the furnishing of these funds, are fully detailed by the testimony of Mr. Lovett, the teller. If the business in which Messrs. Kemble and Bishop were engaged, in joint interest with Bartow, was fair and honest, then they ought not, in the least, to be censured for the fraud and concealment which he practised on the directors of the bank, in supplying funds to conduct it. But if the transactions in which they were engaged were of an opposite character, then it will be for the senate to determine whether they are not morally responsible for the results which followed. It is believed to be a sound rule in morals, that he who acts against the dictates of conscience, is responsible for all the consequences of his conduct.

It can hardly be necessary to inform the senate, that the letters of Messrs. Kemble and Bishop clearly prove that they were deeply concerned in stock-jobbing. Stock-jobbing is the buying and selling of stocks for the purpose of deriving gain from the fluctuations in their prices. And the arts which are resorted to in this business, to "run up," or to depress stocks, and the secret combinations which are sometimes formed, to control the market and extort money from those who have sold on time, render stock-jobbing, under such circumstances, one of the most hazardous and demoralizing species of gambling. The buying of stocks on time, is tantamount to a wager as to their price on a given future day. The investment of money or other property in stocks, may be an innocent transaction. But, observes Say, in his treatise on political economy, "when these transfers degenerate into stock-jobbing, that is to say, the making of a profit by the rise and fall of their price, they are productive of much mischief. In the first place, by the unproductive employment, on this object, of the agent of circulation, money, which is an item of the national capital; and in the next, by procuring a gain to one person by the loss of another, which is the characteristic of gambling. The occupation of the stock-jobber yields no new or useful product; consequently, having no product of his own to give in exchange, he has no gains but what he contrives to make out of the unskilfulness or ill-fortune of gamesters like himself." Stock-jobbing is regarded as a great immorality and evil in all civilized communities. The reckless spirit of gambling which it excites; the individual loss and ruin which it occasions, and its demoralizing effects upon the young and thoughtless, by diverting them from the sober pursuits of industry, under the delusive hopes of acquiring sudden wealth, have been long deplored. The gains of the few create the madness of the many; like the adventurers in a lottery, who are too intent upon the prizes to reflect upon the blanks.

In Europe, government stocks exist to an almost indefinite amount, and their variations in value are, for that cause, nearly beyond the control of individual management: changes of ministry and rumors of peace or war, are the ordinary causes of fluctuations in their prices. But in this country, where many stock companies, with comparatively small capitals exist, the game of stock-jobbing becomes the more desperate, in proportion to the sudden elevations and depressions of price which individual fraud and art can produce.

The manner in which a combination in stock-jobbing is secretly formed and matured, its design and end, and the contingencies with which it is beset, will be found in the testimony of Henry Lynch, a stock broker from the city of New York. Such a combination is a secret and artful conspiracy to cheat, and would be an indictable offence at common law. And the committee exceedingly regret to perceive in the correspondence of Mr. Kemble, the expression of a willingness to enter into an alliance to "run up" stock, and to "ripen a combination." Such sentiments uttered by a private individual, would receive the reprobation of the moral portion of mankind; but when avowed by a senator, they assume, in the judgment of the committee, a much deeper shade.

Corporations or stock companies are created by acts of the legislature: And will the community believe that acts of this description are fairly and honestly obtained, whilst members of the senate are notoriously engaged in stock-jobbing, with all its immoralities? Is not the conduct of Messrs. Kemble and Bishop, and particularly of the former, as detailed in the testimony herewith submitted, calculated by its example to relax the public morality, and by its tendency, to shake the confidence of the community in the purity of the legislation? These are questions which deserve grave consideration.

At the last session of the legislature a bill passed the senate to repress the demoralizing practice of stock-jobbing. This bill received no opposition in the senate, but owing, as the committee understand, to a great press of business, was not finally acted upon in the assembly. It had its third reading in the senate on the 16th of March, 1835, as appears from the journal. One of the sections of this bill declared all contracts for the sale or transfer of stocks to be absolutely void, unless the party contracting to sell or transfer, should at the time be owner or assignee thereof, and should actually be in possession of the certificate or other evidences of such stock. This provision was designed to prevent the combination alluded to and described in the testimony. Another section provided, that all wagers concerning the price, present or future, of any stock, should be void. The object of this provision was to prevent the gambling purchases and sales of stock on time. This bill provided, that all offences against it should be deemed misdemeanors, and punished by fine and imprisonment. A bill with the same provisions passed the senate unanimously, in the early part of the present session. It provides that every offender against any of its provisions shall be deemed guilty of a misdemeanor, and shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, at the discretion of the court; and all courts of oyer and terminer and general sessions are required to charge grand juries to inquire into offences against this act. The bill of the last session, as well as of the present, recognizes every offence against it as "*malum in se*," or in other words as involving conscious immorality, or as being a sin against light and knowledge. The declaration in the bill, that every offence against it shall be deemed a misdemeanor, and shall be visited by severe pains and penalties, will, it is believed, justify this inference. And it is deeply to be regretted that Messrs. Kemble and Bishop, so soon after its passing through the senate, should have forgotten or disregarded its moral admonitions.

By recurring to the testimony of Henry Lynch, the stock broker for Messrs. Kemble and Bishop, it will be found that they purchased through him several lots of stock on time; that is to say, deliverable sometime after the purchase at the option of the purchasers. It will be for the senate to determine whether members of its body, under the circumstances of the case, did not act under higher moral responsibilities, and render themselves obnoxious to more severe censures than would have been incurred by private individuals.

But there are other parts of the testimony which contain imputations of direct official misconduct. The facts and circumstances connected with the passage of the bill through the senate, to increase the capital of the Harlaem rail road company, are of this character. Such a connexion between Messrs. Kemble, Bishop and Bartow had been shown by the letters of the two former, and other testimony, that a majority of the committee were of opinion that the declaration of Bartow, as to an understanding between him and them in relation to the passage of the said bill, in connexion with the proof of their having acted in accordance with such understanding would be admissible testimony. The declaration beforehand of the course which two senators were, by an alleged arrangement, to pursue, would be either rendered probable as to its truth, or falsified by the event. It was on this ground that a majority of the committee believed the testimony ought to be received. But as the committee, after the question had been argued before them, were divided in opinion, they concluded that it would be the most discreet course to take the direction of the senate. Under this direction, given by a vote of 23 to 6, they proceeded to hear the testimony.

The testimony of A. H. Lovett, the teller of the Commercial bank, to this point, is as follows: He swears that in a conversation which Bartow commenced with him by saying, that he meant to make some money out of the Harlaem rail road stock, and while the bill was pending in the senate, Bartow said to him, "I have an understanding with Messrs. Bishop and Kemble, and they are to raise such objections to that bill as to blind the eyes of the New Yorkers until we have got things to suit ourselves, and then the bill will pass."

The testimony of John Townsend, president of the bank, is to the same effect, except that it does not implicate Mr. Bishop; but as respects Mr. Kemble, is strongly confirmatory of the testimony of the teller. He says in substance, that when the Harlaem rail road bill was under consideration in the senate, Bartow stated to him that he had arranged with Mr. Kemble to make some movement to delay the passage of the bill that day; that he, Bartow, had entered into a speculation in the Harlaem stock, and meant to make money by it; that this made a strong impression on his mind at the time, and that he noticed in the Argus the next day, Mr. Kemble's speech, in fulfilment of what Mr. Kemble was to do, as stated to him by Bartow.

The remarks of Mr. Kemble against the bill, made on the 16th of April, in pursuance of Bartow's prediction, and reported in the Daily Argus of the 15th, and his vote two days afterwards for the bill; his declaration to J. B. Murray, that he only wished to delay the bill two or three days to get information from New York; the advice given by him, on the day he made the attack on the bill, to John L. Schoolcraft on board the steamboat, before it started for New York, to purchase Harlaem stock if he wished to make money, and his declaration that the lobby members were then on board the boat going to New York, under the belief that the bill would not pass, but that it would pass in a few days; the anxiety of Bartow, as manifested in his conversation with Augustus James, and in his letters to the same individual, and while the bill was to be delayed, but was finally to pass, and that the New Yorkers were to be blinded; afford a chain of circumstances, which, if they do not produce a conviction of an understanding between Messrs. Bartow and Kemble, manifest a most singular identity of knowledge and of views on the subject of the bill.

There is no testimony to show that Mr. Kemble was to receive or did receive any pecuniary advantage from the purchases of stock, which were made before the bill passed; but if there was a preconcert between him and Bartow, with respect to the course he was to pursue, there is very little difference in the coloring of the transaction, whether that course was for his or Bartow's benefit, or for the benefit of any other individual. It is proven by the testimony of Messrs. Bloomfield and Warren, that the next day after his opposition to this bill, Mr. Kemble assigned as the reason of his opposition, that it had got ahead of a bill or bills of which he had charge. If this reason had been assigned in the senate, and an effort made on his part to rectify any alleged derangement in the regular order of business, it would have been more satisfactory. It will be perceived, also, that the reason assigned by Mr. Kemble to J. B. Murray, for his opposition to the bill, is wholly inconsistent with the above.

On the 18th of April, as appears by the Daily Argus of the 19th, the Harlaem rail road bill was reported by the committee on rail roads in the senate, and Mr. Bishop moved to lay the report on the table; but on a suggestion from the chairman of the committee on rail roads, that the senate would be moved on that day to go into a committee of the whole on the bill, Mr. Bishop withdrew the motion. This appears to have been the only effort made by Mr. Bishop to delay the passage of the bill. Mr. Kemble's attack on the bill was two days thereafter. And it will be perceived by recurring to the reports of the Daily Argus, that both Messrs. Kemble and Bishop interposed obstacles to the passage of the bill, as above stated; and it appears by the journal that they both voted for its final passage on the 17th.

It is in proof that Augustus James, who had been pressed by Bartow to purchase Harlaem rail road stock on their joint account, did purchase, in the city of New York, 800 shares on the 14th and 15th of April, which he afterwards sold at a profit or net gain of $2,239 88; which sum he transmitted to Bartow by a check on the 27th April. On the 28th, the next day, Bartow drew his check on the Commercial bank for $742, and placed that sum to the credit of Mr. Bishop, on the books of the bank. The sum is $1 62 less than the one-third of the profit, as above mentioned, which was made on the purchase and sale of the aforesaid Harlaem stock. Mr. Bishop has been requested by the committee to explain why and on what account that sum, at that time, was placed to his credit by Bartow; but no explanation has been given.

The declaration also of Bartow, to M. H. Webster, while the bill was pending, that Mr. Bishop was interested with him in the Harlaem stock which A. James was going to purchase in New York, is a circumstance of more or less weight, in proportion to the credibility which is due, under the circumstances of the case, to the assertion of Bartow.

On carefully examining all the facts and circumstances connected with the Harlaem rail road bill, before and after its passage, the committee feel constrained to say, that there is strong ground for suspicion, if not for belief, that there was an understanding between Messrs. Kemble, Bishop and Bartow, as to the course which the two former pursued in relation to the passage of the bill, and that this course was adopted and pursued to enable Bartow, if not others, to make money by purchases and sales of the stock to be created by that bill.

There is one other part of the testimony to which the committee will call the attention of the senate: Mr. Schoolcraft, one of the directors of the Commercial bank, testifies, that during the present session, and since the Commercial bank presented its petition to the legislature for an increase of its capital, Mr. Kemble held a conversation with him of the following tenor: Mr. Kemble told him that if the bank would come out and disclaim that they had any thing to do with the circulation of reports that he, Mr. Kemble, had been deeply engaged with Bartow in his abstraction of the funds of the bank, that he, Mr. Kemble, would guaranty the passage of the bill which their petition asked for. The testimony of Mr. Schoolcraft stands unimpeached and unexplained, and the committee cannot therefore doubt but that this extraordinary proposition was made by Mr. Kemble, as stated.

If a member of the senate could be supposed to possess a sufficient degree of influence to effect the passage of a law, yet such influence can hardly be deemed to be the legitimate subject of private barter. The offer to guaranty the passage of a law, in consideration of obtaining a disclaimer, does not, in the judgment of the committee, materially differ from a proposition to receive, for a like guarantee, a sum of money. In both cases the motive could be traced with equal certainty, to a desire to subserve the gratification of individual wants, private convenience, or personal cupidity. Members of the legislature, like other men, have various private wants; but to convert legislative influence into an exchangeable commodity, in order to gratify these wants, would shock the moral sense of the community. To exercise the functions of legislation under the influence of mercenary motives, would be a gross dereliction of duty. The making of laws should be characterized with as much purity as is required in their administration; for no better apology can be found for venality in legislative halls, than for corruption in courts of justice.

The power which is delegated to the lawgiver, is superior to that which is confided to the judge; and in proportion to the magnitude of the trust, should its exercise be the more assiduously purified from the alloy of self-interest, and the more devotedly consecrated to the public good.

The committee have now adverted to such portions of the testimony as implicates the moral and official conduct of Messrs. Kemble and Bishop, in such manner as calls for the notice of the senate. Their connexion with Bartow in stock-jobbing, which led to the abstraction of funds for this purpose from the Commercial bank, cannot be regarded, under the circumstances of the case, in any other light than as grossly immoral.

There are strong reasons for believing, from the testimony of Messrs. Lovett, Townsend, Webster, Schoolcraft, James and Murray, together with the reports of the Daily Argus at the time, when all the circumstances are carefully considered and compared, that the official conduct of Messrs. Kemble and Bishop, and particularly of the former, on the bill to increase the stock of the Harlaem rail road company, was pre-concerted with Bartow, for his private benefit, and probably for the benefit of some other individuals. The committee submit to the senate, whether this charge is not established with reasonable certainty against Mr. Kemble, and with strong probability against Mr. Bishop. Men never call witnesses to their unlawful or improper acts; and it is, in general, only from circumstances that such acts can be inferred and established. If this charge is sustained by the testimony, the official conduct of Messrs. Kemble and Bishop, on the aforesaid bill, strongly merits the condemnation of the senate.

The willingness, if not the desire, which is repeatedly expressed by Mr. Kemble, in his letters to Bartow, to form alliances to *run up stocks*, and his avowed readiness to "ripen a combination," indicate, in the judgment of the committee, such an abandonment of moral principle, as deserves severe reprobation.

The proposition of Mr. Kemble to one of the directors of the Commercial bank, that he would procure the passage of such a law as was solicited by their petition, if the directors of that institution would come out with a disclaimer as to his being concerned with Bartow in abstracting the funds of the bank, evinces, in the judgment of the committee, an utter disregard of official duty. If a member of the senate should offer to pledge his own vote in favor of any pending application, on condition of his obtaining any object which might suit his own private convenience, such offer would be regarded as evidence of official corruption. And a proposition for a like consideration, to guaranty the votes of the members of both branches of the legislature, can hardly be viewed as less revolting, unless the turpitude of the offer can be supposed to be merged in the wholesale character of the transaction.

If the proposition to hypothecate the vote of a single member, would compromit official purity, it is believed that an aggravation of the offence would be found in an extension of the pledge to the representatives of a whole community.

Having thus adverted to the prominent facts and circumstances which have been disclosed in the course of this protracted, laborious and painful investigation, the committee respectfully submit the whole matter to the final judgment of the senate. S. YOUNG, *chairman*.

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From the same.

In senate—Monday, May 2.

Mr. *Van Shaick* laid on the table the following resolutions:

Whereas, it appears from the testimony taken by the committee of investigation appointed on the 16th day of February last, upon the complaint of the Commercial bank of Albany, that *John C. Kemble*, a member of the senate from the 3d senatorial district, has been guilty of moral and official misconduct, rendering him unworthy of a seat in this body: therefore,

Resolved, That the said *John C. Kemble* be and he is hereby *expelled*.

Whereas, it appears from the testimony taken by the committee of investigation appointed on the 16th day of February last, upon the complaint of the Commercial bank of Albany, and also from the facts developed in the investigation ordered by the senate upon the complaint of Lewis Benedict, that *Isaac W. Bishop*, a member of the senate from the 4th senatorial district, has been guilty of moral and official misconduct, rendering him unworthy of a seat in this body: therefore,

Resolved, That the said *Isaac W. Bishop* be and he is hereby *expelled*.

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In the course of the debate to expel Mr. *Bishop*, he addressed the senate as follows: His is the fate of *politicians*.

He would not make a single effort to repel this or any other accusation, for the sake of retaining his seat in the senate. He should leave this body with no other regrets than those growing out of the severance of the pleasing associations which he had formed with its members, and for whom he should always retain the liveliest sentiments of esteem and respect. Long before this charge or any other had been brought against him, political life had lost all charms for him, and not without good reason; for in sustaining, as he had endeavored to do, the doctrines of the democratic party, and the public men at the head of that party, he had done so at the expense of his peace of mind—been covered with obloquy and reproach by his opponents—and sacrificed his prviate fortune. It only remained, as a termination of his political career, to overwhelm him with disgrace and destroy his reputation. If such should be the judgment of the senate, he must submit.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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We have given up a large portion of the present sheet to the report of Mr. Pinckney from the select committee to whom was referred the memorials praying for the abolishment of slavery in the District of Columbia. The resolutions which accompanied it, it will be recollected, were passed on the 26th ult. but we have not seen correct lists of the yeas and nays on their passage, which will also be registered as soon as received. We have, however, recorded a *curious fact* in relation to them, which will be found in our abstract of Wednesday's proceeding of the house of representatives.

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We have been compelled to omit, for the want of room, a large number of incidents of savage barbarity which have transpired on the Georgia and Alabama frontier since our last publication—but in our next we will give the details that a correct history of the war may be preserved. By the last accounts the Indians were increasing in boldness and audacity, and making every preparation for a determined resistance. The passage of the mails through the country occupied by them has been completely interrupted, and it has been found necessary to send those intended for New Orleans and the adjacent country, from Wheeling via the steamboats.

The accounts from Florida are also gloomy, and represent the savages as still in uncontrolled possession of the country. The block house at the Wythlacoochee, which was under the command of capt. Hollman, had been attacked by the Indians and that officer killed.

The letters which we publish from generals Scott and Clinch exhibit the operations of the army up to the latest advices, and show any thing but lukewarmness in the discharge of the duties committed to them. The officer first named does not seem disposed quietly to submit to the imputations cast upon him, and his general order of the 17th May, in which he retorts upon his accusers, has, as might have been expected, created great excitement at St. Augustine and among the people of Florida generally.

It is a severe trial to the best disciplined mind to rest quietly under undeserved censure, though fortified by the conviction that justice will ultimately accomplish its work. There are many reasons why a public officer should not come into collision with the people, whose grumblings, when tolerated as a privilege, easily give way to the force of truth; but when retorted by sarcasm become prejudices that it is difficult for truth itself to overcome. Gen. Scott is responsible to his government for his conduct, and, though he has felt as a man under the censure which has been cast upon him as an officer he should not have made up an issue with the people. His reputation is too dear to the country to be frittered away in a war of recrimnation.

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The bill for the reorganization of the post office department, which has been before the house of representatives for a long time, finally passed that body on Thursday last. It comprises forty-five sections, and was designed to meet every possible contingency that may arise in the administration of the complex affairs of the department. It is, however, still considered incomplete, and will probably undergo many modifications in the senate. Not the least important of its provisions is that reducing the rates of postage, which are also made to conform to the currency of the country—whereby a material benefit will be conferred on the people, and the business of the numerous agents of the department greatly simplified.

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The bill prohibiting deputy postmasters from receiving or transmitting incendiary publications through the mail, was ordered to be engrossed in the senate on Thursday last by the casting vote of the vice president. For the proceedings, see page 236.

THE CROPS. The excessive drought of the past season had greatly checked vegetation, and so severely injured the growing crops that they cannot be recovered by the late copious rains. In some sections of the country, wheat fields which presented the promise of the usual crops early in the spring, will barely return the seed; and others have been ploughed up and planted in corn. The wealthy and populous counties of Frederick and Washington, in this state, have suffered severely, and many who have sent wheat to market will be compelled to purchase it for the ordinary consumption of their families. The rye crop is also very bad, and fears are entertained of the corn crop, which it is thought will be seriously injured by the vast quantity of rain that has fallen within the last ten days.

The Attakapas Banner of the 3d ultimo states that the growing sugar crops in that parish promise a greater yield than they have done for a number of years past.

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Among the passengers who arrived at New York in the ship Philadelphia, on the 29th ult. from London, were Mr. *Wilkins*, late minister of the United States to Russia, and *James Brooks*, esq. editor of the Portland Advertiser, whose letters from Europe have afforded so much instruction and amusement to his countrymen.

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The governor of Maryland has pardoned the individuals imprisoned on account of their agency in the riots which took place in Baltimore in August last. The petions invoking the clemency of the executive, were signed by a large number of the citizens of Baltimore.

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The whig convention of Georgia have unanimously nominated *Hugh L. White* as a candidate for the presidency, and *John Tyler* as a candidate for the vice presidency. It also framed an electoral ticket.

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A FRANKLIN PRESS. We published a paragraph in the "REGISTER," 21st ult. from a London paper, stating that the compositors' *case*, at which Franklin worked whilst in London still exists as when he left it; and we now see it stated in the New York Courier that the editor of that paper saw, last summer, in the museum at Providence, R. I. the identical rude *printing press*, complete in all its parts, at which Franklin worked while a journeyman printer in Philadelphia. The editor of the "Register," many years since, had a press in his possession that formerly belonged to Franklin; and if our memory does not deceive us, it formed part of the outfit of Miranda's celebrated expedition.

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Among the distinguished transient visiters who were recently, or are now, at Washington, the Intelligencer mentions *Jeremiah Smith* and *Harrison Gray Otis*, both members of congress more than forty years ago; gen. *Stephen Van Rensselaer* (the patroon) of New York; judges *Woodworth* and *Rochester*, of New York; judge *Dabney Carr*, of Virginia; *John Branch*, of North Carolina, and *Edward Colston*, formerly members of congress, &c. Mr. Branch is direct from Tallahassee, Florida, and it is said that he confirms the late accounts of the Indian depredations.

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ABOLITION. At the general conference of the Methodist Episcopal church, recently held in Cincinnati, Ohio, the following resolution was passed:

"Resolved by the delegates of the annual conferences, in general conference assembled, That we are entirely opposed to modern abolitionism, and wholly disclaim any right, wish or intention to interfere with the civil and political relation of master and slave, as it exists in the slaveholding states of this country."

"The question on this resolution was divided, and the first branch, which refers to abolitionism, or the part

preceding the word 'and,' was carried by a vote of 122 to 14. After which, the latter part of the resolution was unanimously adopted."

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Horrible. The spirit of the first born appears to be rife in some sections of our country, and both humanity and the law are set at defiance. The following account of an "honorable affair," from an eye witness, adds another to the black catalogue of crimes which have lately disgraced the land.

"A Spaniard and a Frenchman, who have long been accustomed to trapping on the mountains, on arriving at this place went out to settle an affair of honor. The spot selected for the purpose was an open square in the suburbs of the city. When all parties were ready and stripped for the occasion, with two large Bowie-knives, (an instrument about twelve inches in length, and an inch and a half wide at the hilt, with two edges tapering to a sharp point), and the word "ready" was given, both rushed to the contest! After parrying these deadly weapons, and guarding and plunging some half minute, the Frenchman made a strike at the Spaniard, and succeeded in cutting open the abdomen, so as to let out all the bowels! At the same time the Spaniard plunged his knife about ten inches in the breast of his antagonist, who immediately yielded up the ghost with a deep groan. The Spaniard survived some hours. With me the scene created the most wretched feelings of horror; but with many of the spectators it served only for a subject of discussion, as to which showed the most coolness, and parried the thrusts of his antagonist with the most skill; in short, which showed the most sleight in killing his fellow man." [*Greene county (Ohio) Gaz.*

Emigration. The Erie Observer says: The emigration westward this season exceeds all bounds of calculation. Though we had before estimated, and so stated, to our readers, that it would equal that of any two previous years, yet we had no conception of the rush that is to be witnessed by every steamboat that passes up the lake. Though few, if any, could have anticipated so early an opening of the navigation as we have experienced, and by many it was not thought there would be a passage through even at this date, in consequence of which, it is probable, that a great body of those designing to emigrate are not yet on the move, yet nearly every boat that goes up, (and there are generally three to five a day), is loaded down to the extent of its capacity. In addition to these, large numbers go by schooners and other craft, while the portion that move by land, is without a precedent.

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On the 14th and 15th of March a great sale of the wines of the duke of Nassau took place at the castle of Eberbach, which yielded 231,905 florins (about £23,000). At this sale, which was only made in order to allow the wines of the last year and the preceding years to be placed in the cellars of the duke—wines of the most exquisite qualities of growths, from 1706 to 1731, were exhibited. The very old wines were sold at a price comparatively low, but those of a more recent growth sold very dear. A demi piece of the wine Steinberger, of the growth of 1823, was sold for the exhorbitant price of 6,135 florins, which makes each bottle, on the spot, cost ten or twelve florins. The elector of Hesse was the purchaser.

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A tale of terror! We learn from St. Louis, that not long since, a colored man was arrested on board a boat, by a deputy sheriff and constable; that another colored man assisted him to escape from the officers, whom they immediately arrested, when he killed the sheriff upon the spot, and so badly wounded the constable that he was not expected to live. The negro was then secured and committed to prison, but the people assembled in great force, with the determination of tearing down the prison, if he was not given up to them.

He was delivered to the mob, who conveyed him to the outskirts of the city, placed a chain round his neck and a rope round his body, and fastened him to a tree a few feet from the ground, when they then placed fire round the tree and literally roasted him alive! His shrieks, were most awful during the performance of this terrific tragedy.

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On the 6th instant a breach occurred in the Erie canal near Utica, and during the four days which it required to repair it, the boats had accumulated along the breach, lying so as to touch one another, through a distance of *seven miles*, extending to Oriskany.

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Retirement of Mr. Clay. Understanding that Mr. Clay had expressed his determination of retiring from public life, the citizens of Boliver, Indiana, recently addressed him a letter expressive of their hope that he might find it compatible with his private inclinations to continue in the councils of the country. The following is an extract from his reply, and will be read with interest, as it discloses his designs: Few there are, who will not regret the determination expressed in the reply:

"This is the thirtieth year since I first entered the service of the federal government. My labors for the public have been various and often arduous. I think they give me some title to repose, which I feel to be necessary on many accounts. I believe with you that the present period in the affairs of our country is eminently critical. It requires all the wisdom, the virtue and the energy among us to avert impending danger. If I were persuaded that, by remaining longer in the public service, I could materially aid in arresting our downward progress, and in communicating additional security to civil liberty and our free institutions, I should feel it my duty not to quit it. But I am not sure that my warning voice has not been already too often raised. Perhaps that of my successors may be listened to with more effect. I sincerely hope it may be.

"These, gentlemen, are briefly my motives for retirement. It is my purpose, if my health will allow me, to remain in congress during the present session. I reserve for future consideration whether I shall serve out the term for which the legislature of my state did me the honor last to elect me; and your wishes will have due weight in any decision I may form. Beyond that term, I can conceive of no probable contingency which would reconcile me to a farther continuance in the senate.

"I request you, gentlemen, to communicate my grateful acknowledgments to the citizens of Bolivar, and to accept for yourselves assurances of the esteem and regard of your friend and obedient servant,

"Henry Clay."

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Force of machinery. A late English paper relates a most disastrous occurrence which took place at the British iron company's works at Aberyschan. The fly wheel, propelling the machinery at the forge is upwards of 20 feet diameter, and revolves upwards of 70 times a minute: during this velocity, it is supposed that one of the cogs of the wheel gave way; the whole of the attached wheels, &c. were hurled through the roof into the air, upwards of 300 feet, and one piece weighing nearly 2 tons, descended within 10 feet of the forge, and was buried a considerable depth in the ground; fortunately, although some persons were within two or three yards of the place where this huge mass of iron fell, and nearly one hundred altogether in and about the works, not a single person was injured. The damage to the works is estimated to be about £5,000.

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ITEMS.

A riot took place in Chestertown, Cecil county, Md. on Saturday, the 21st ult. among the laborers employed on the Wilmington and Susquehannah rail road, during which the proprietor of a house attacked by them discharged several volleys of fire arms among the assailants, by which five persons were killed and eight or ten wounded.

New York has also lately been the scene of two or three riots, in one of which, a man was so much injured that he died in the course of the day.

A second fine *ship*, the Julia Palmer, was launched at Buffalo on the 16th instant. This is a new fruit of the Erie canal.

A lamentable accident has occurred at Constantinople. About 450 persons were engaged in making fire works

to celebrate the marriage of the daughter of the sultan, when the whole blew up; many persons were killed and wounded; eighty persons known to be in the building were missing.

A lot of *French bricks*, brought in the brig Emma, from Cherbourg, brought $11 per thousand—they are much smaller than those made here. The article is very scarce. [*Charleston Mercury.*

A "man trap" in Louisville, Ky. constructed after the manner of a three story warehouse, fell down with a tremendous crash on the 11th ult. and buried a clerk named Frederick Newton, and a negro boy beneath the ruins.

Mr. Kendall, post master general, recently visited New York to decide the dispute about the location of the post office in that city—and it is stated that he is in favor of its present location, viz: up town.

General Ashley, now a member of congress, has been nominated as a candidate for the gubernatorial chair of Missouri.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

May 27. After the transaction of some preparatory business, the senate took up the bill to increase the marine staff of the army, which was considered and ordered to be engrossed for a third reading.

The senate next, on motion of Mr. *Benton*, took up the expunging resolution, for the purpose, (as explained by Mr. B.) of allowing Mr. *Hill* to make a speech on the subject, that senator being obliged to leave the senate to-morrow. Mr. H. then addressed the senate in support of the resolution, and, having concluded, at about half past 2 o'clock, the resolution was laid on the table.

On motion of Mr. *Calhoun*, the senate proceeded to consider the bill to regulate the deposites of the public money.

The question being on the amendment of Mr. *Wright*.

Mr. *Wright* modified his amendment in that part which requires that seven millions shall be always kept in the treasury, by striking out the word "seven," so as to leave the blank to be filled by the senate.

Mr. *Wright* then addressed the senate in defence of his proposition.

After he had concluded,

Mr. *Calhoun* moved that the senate adjourn, when

Mr. *Leigh* put an inquiry to Mr. *Wright*, as to the meaning of a portion of the language in the 8th section of the amendment.

Mr. *Porter* then suggested the propriety of giving up to-morrow to private bills.

Mr. *Calhoun* moved that the senate adjourn; which was negatived—yeas 13. When, after other business, the senate adjourned.

May 28. A bill to provide for the increase of the medical staff was read a third time and passed.

Some time was occupied in the consideration of private bills, several of which were passed.

A communication was received and laid before the senate, from the hon. Isaac Hill, governor elect of New Hampshire, in which he tendered the resignation of his seat in the senate.

The senate then proceeded to the consideration of the bill to regulate deposites of the public money.

After some words from Mr. *Wright*, in explanation,

Mr. *Calhoun* addressed the senate at large in support of his own views on the subject.

Mr. *Buchanan* followed, in a few remarks; and,

On motion of Mr. *Ewing*, the senate adjourned.

May 30. Mr. *Naudain*, upon presenting the petition of 120 citizens of the state of Delaware, praying that the pension granted to Caleb P. Bennett as a revolutionary officer, be continued to his widow during her life, made the following remarks:

Mr. *President*: In presenting this petition, I cannot refrain from saying that this presents no ordinary case for the consideration of the senate. The late gov. Bennett entered the army of the revolution in the year 1776, as an ensign in the Delaware regiment; he continued in the service until the end of the war. Brandywine, Germantown, Long Island, Monmouth, Camden, and the well-fought fields of the South, attest the gallantry of the distinguished corps to which he belonged. Of that corps he was the last surviving officer, and, I believe, the last individual. Yes, sir, of nearly 5,000 men, furnished by the gallant little state I have the honor partly to represent on this floor, to the army of the revolution, all have been gathered to their fathers. The latter years of the veteran Bennett were cheered and solaced by the bounty of his country extended to him, and not one now remains to enjoy that bounty, extended to them by their grateful country, to cheer their declining years.

Among those who received this bounty none can be found more worthy than Bennett; none received it with more gratitude, for it enabled him the better to provide for his aged wife and orphan grandchildren; and their comfort was dear to him as the apple of his eye. He has been taken from them, and his widow, aged and infirm, and his portionless grandchildren, are thrown upon the cold charities of the world without any means of support.

Would it not, Mr. President, comport with the honor, the dignity, nay, even with the interest of the government, to provide for *his* widow, (for her who was the wife of his youth, the companion of his manhood, the nurse of his sicknesses and infirmities, and the solace of his latter days), who devoted his best days to your service in the time of your greatest peril? Sir, it is the result of the services and sacrifices of such men, that we are now enjoying the privileges of an independent nation. To them we owe all our political liberties. It is by the blessing of Providence upon their labors that we are this day deliberating upon the high destinies of this people. And in these "high and palmy" days of the republic, when our treasury is overflowing with money the fruits of their services and privations, shall we refuse to snatch from poverty and distress the relict of one of those gallant men to whom we owe every thing? Justice and gratitude forbid. Sir, let the poor old widow of your time-worn revolutionary officer enjoy, for the brief residue of her days, the pension you had extended to her husband, and the blessings of those ready to perish will follow us for good, and call down the approbation of that God who delighteth in charity, upon us and our children.

The memorial was referred.

Many private bills were reported and disposed of, after which the senate proceeded to consider the special order, being the bill to regulate the deposites of the public money—the question being on the amendment of Mr. *Wright*. Mr. *Ewing* addressed the senate at some length, when he had concluded Mr. *Wright* suggested that the best course, in his opinion, would be to re-refer the whole subject. In the mean time the discussion might proceed, so as to put the senate in possession of all the ideas of gentlemen in reference to this matter. He thought that course would be a saving of time to the senate, and the best mode of perfecting the bill.

Mr. *Calhoun* suggested that the bill might be laid on the table or postponed, until some senator should be prepared to go on with the discussion. Mr. *Webster* asked to what time it was proposed to postpone the discussion. Mr. *Calhoun* replied, until to-morrow, or whenever any senator might be prepared to proceed.

Mr. *Walker* said he had a few remarks to make, and he might as well make them this evening. He accordingly expressed his views at some length.

On motion of Mr. *Calhoun*, it was agreed that the bill should be laid on the table, and taken up again at one o'clock to-morrow.

On motion of Mr. *White*, the senate proceeded to the consideration of executive business; and after remaining some time with closed doors,

The senate adjourned.

May 31. After the transaction of other business of minor importance, on motion of Mr. *Clay* the senate considered the message from the house disagreeing to the amendment of the senate to the bill to carry into effect the convention with Spain.

This bill, as it came from the house, provided for the appointment of a board of commissioners for the division and distribution of the money obtained under the treaty. The senate amended the bill by striking out all the provisions regarding commissioners, and assigning the duties to the attorney general. The house disagreed to this amendment, and the question now before the senate was on concuring to that disagreement.

Mr. *Clay* moved that the senate insist on its amendment, and that a committee of conference, to consist of three senators, be appointed. The motion was agreed to.

The senate then proceeded to the consideration of private bills, several of which were ordered to be engrossed, among them a bill to provide for the payment of the passage of gen. Lafayette from France to the United States, in the year 1824, and a bill to reward the captors of the Tripolitan frigate, late the frigate Philadelphia.

The following bill on being amended on motion of Mr. *Porter* by striking out the "first" Monday in the beginning of November and substituting the "third," was ordered to be engrossed—ayes 27.

"*Be it enacted, &c.* That hereafter the annual meeting of congress to be assembled in pursuance of the constitution, shall be on the first Monday of November of every year; and that the day of adjournment of the first session of every succeeding congress shall be the second Monday of May, after the commencement of such session, unless congress shall at any such session, by joint resolution of both houses, otherwise provide."

The senate proceeded to the consideration of the bill to regulate the deposites of the public money. Mr. *Webster* then addressed the senate at length; after which Mr. *Calhoun*, moved to refer the bill to a select committee—agreed to. It was then, on his motion, ordered to consist of nine senators to be chosen by ballot. A ballot was then had and the following members were chosen, viz: Mr. *Wright*, of N. Y. chairman, Mr. *Calhoun*, of S. C. Mr. *Webster*, of Mass. Mr. *King*, of Alab. Mr. *Buchanan*, of Penn. Mr. *Shepley*, of Maine, Mr. *Leigh*, of Va. Mr. *Hendricks*, of Indiana, Mr. *Ewing*, of Ohio.*

*The Intelligencer of Thursday says—We learn that the deliberations of the committee have resulted in the adoption, substantially, of the plan proposed by Mr. *Webster* on Tuesday,

Mr. *Webster* then laid on the table an amendment which he had prepared and moved for its printing; which was ordered.

The rescinding resolution of Mr. *White* was called up, and on his motion was postponed and made the special order for Monday.

On motion of Mr. *Benton*, the special order, [the bill to recharter certain banks in the District of Columbia], was postponed, and the senate proceeded to consider the bill to increase the present military establishment of the United States; and, after some remarks from Mr. B. it was on motion of Mr. *Porter*, laid on the table for the present.

On motion of Mr. *Walker*, the senate next proceeded to the consideration of executive business, and after remaining for some time with closed doors, adjourned.

June 1. The following messages were received from the president of the United States, containing,

1st. A communication from B. F. Curry, in reply to charges made against him by a senator in congress;

2d. A response from Samuel Gwin to certain charges contained in evidence taken before the committee on public lands, in reference to alleged frauds, which charges had been officially communicated by the secretary of the treasury to Mr. Gwin.

Mr. *Benton* moved to print the last named communication, and read an extract from the instructions given by the chairman of the committee to those who are commissioned to take depositions.

Mr. *Wall* asked if these instructions were the act of a committee of the senate, or of an individual?

Mr. *Benton* read the instructions, signed by "George Poindexter," the chairman.

Mr. *Calhoun* moved to refer the communication to the committee on public lands, as the more proper course.

The motion to refer was opposed by Mr. *Ewing*, of Ohio, Mr. *Benton*, Mr. *King*, of Alabama, Mr. *Shepley*, Mr. *Walker* and Mr. *Niles*, and supported by Mr. *Porter*, Mr. *Mangum*, Mr. *Calhoun*, Mr. *Prentiss* and Mr. *Southard*.

[It was said, on the one side, that the instructions given by Mr. Poindexter, as chairman of the committee on public lands in 1834, to the commissioners appointed to receive evidence in relation to frauds committed in the sales of public lands, were most arbitrary and outrageous in their character. That the senate, in authorising their committee to proceed in the manner they did, had placed itself in a wrong position; and by not permitting notice to be given those who were supposed to be implicated, of the time when and the place where testiomny was to be received, they had violated the rights of citizens. The investigation was not general in its character, but was confined to registers of land offices and receivers of public moneys; some of whom were alluded to by name, as being parties in, or privy to, these alleged frauds. It was but an act of justice to Mr. Gwin to print this memorial or defence at once, and permit him to clear himself in the eyes of the public from the charges which had been made against him.

It was said, on the other side, that any other course than that pursued by the senate would have defeated the object which they had in view. That this body were fully impressed with the belief that frauds had been committed in the sales of the public lands; and that, in consequence of this belief, they directed the appropriate committee to make, not an inquiry into private character, but a general investigation in relation to the question of fraud. Such a course was sanctioned by the policy of all governments. That committee did not, because they could not, send notice to every individual suppesed to be implicated. Nor was there any obligation upon them, either legal or moral, to take such a step. They were merely acting as a grand jury—acting in complete consonance with every principle of criminal jurisprudence. They were making a general inquiry into the state of the land offices; endeavoring to ascertain the truth of a fact; and getting evidence before them which might afterwards justify the adoption of measures against individuals. Inquiry was made for purposes of legislation, and for nothing else. It was proper that the whole matter should be referred to the committee on public lands, before the paper or memorial presented here by Mr. Gwin should be printed. Let the expense be what it might, the investigation ought to be re-opened, that justice might be done to Gwin, to the senate, and to a late member of that body—a distinguished, bold, and intrepid one—Mr. Poindexter. The senate were in honor bound to protect the character of their former colleague, if it was deserving of protection. It was due to him that the whole matter should be thoroughly re-examined. At present, gentlemen assumed the innocence of Gwin, and the guilt of the chairman of the committee on public lands in 1834. There was matter in this written defence presented by the former impeaching the character of the latter. But had Mr. Poindexter received notice of the time and place when and where evidence was to be taken implicating his reputation? or was it a mere *ex parte* proceeding? If, then, it was so improper on the part of the senate to give such extraordinay powers, as they had been accused of giving, to one of their committees, should the same body sanction the delegation by the executive of the like power to Mr. Gwin? This is an illegitimate mode of reasoning.

In the course of this debate, Mr. *Walker* stated that, from intelligence received by him yesterday, he was fearful that Mr. Gwin had gone to another and higher tribunal. He had been shot through the lungs in his late duel; and though his friends had indulged the hope of his final and complete recovery, yet a second hemorrage had lately taken place, which had undoubtedly resulted in his death.]

Mr. *Calhoun* finally withdrew his motion to refer the message, for the present, stating that he never had objected to the printing.

After a few words from Mr. *White*, Mr. *Calhoun* moved to refer the motion to print and the documents to the committee on the judiciary. Mr. *Leigh* also expressed an opinion in favor of referring and printing the documents. Mr. *Walker* called for the yeas and nays on the question. Mr. *Porter* moved to lay the subject on the table—negatived—ayes 15, noes 20. Mr. *Ewing* called for the reading of the papers, but soon after the reading was commenced, the senate adjourned.

June 2. After the reception of several reports from committees and the consideration of a few resolutions of minor importance, the senate proceeded to consider the bill to authorize the purchase of private stock in the Louisville and Portland canal, which was amended in several sections—the bill was then reported to the senate, the amendments concurred in, and the bill ordered to be engrossed for a third reading.

On motion of Mr. *Calhoun*, the senate laid the unfinished business of yesterday on the table, and took up the bill prohibiting deputy postmasters from receiving or transmitting through the mail to any state, territory or district, certain papers therein mentioned, the circulation of which, by the laws of said state, territory or district, may be prohibited, and for other purposes.

Mr. *Grundy* modified the amendment he had submitted, so far as to restrict the punishment of deputy postmasters who may violate the provisions of this act to simple removal from office.

Mr. *Calhoun* then moved to amend the third section of the amendment so as to prevent the withdrawal of the prohibited papers, and asked for the yeas and nays; which were ordered. The question was then taken, and the motion lost.—Ayes 15, noes 15.

The question then recurred on the motion of Mr. *Grundy*, on which the yeas and nays were ordered. There was some discussion on this amendment between Messrs: *Morris*, *Calhoun*, *Grundy*, *King*, of Georgia, and *Walker*, when

The amendment offered by Mr. *Grundy* was agreed to.

The bill was reported to the senate as amended.

Mr. *Calhoun* renewed his motion in the senate, and it was again lost—yeas 15, nays 15.

Mr. *Morris* then asked for the yeas and nays on the engrossment of the bill; and they were ordered.

The question being taken, it was decided as follows:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Grundy, King, of Alabama, King, of Geo. Moore, Nicholas, Preston, Rives, Robinson, Tallmage, Walker, White, Wright—18.

NAYS—Messrs. Benton, Clay, Davis, Ewing, of Ill. Ewing, of Ohio, Hendricks, Hubbard, Kent, Morris, Niles, Prentiss, Ruggles, Shepley, Southard, Swift, Tomlinson, Wall, Webster—18.

The *vice president* then took the chair, and gave the casting vote in the affirmative.

So the bill was ordered to be engrossed.

The bills ordered yesterday to be engrossed, were read a third time and passed.

Mr. *Kent* moved to take up the bill to extend the charters of certain banks in the District of Columbia.

The question being on the third reading,

Mr. *Benton* opposed this motion, and moved to lay the bill on the table; which was negatived.

Mr. *Benton* then moved to postpone the bill, and make it the order for Saturday. Negatived.

Mr. *Benton* next asked the reading of the report, when,

On motion of Mr. *Hubbard*, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, *May* 27. On the reading of that part of the journal, which stated that Mr. *Thompson*, of South Carolina, and Mr. *Wise*, "declined" to vote upon the first resolution reported by the select committee on the subject of petitions and memorials

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in his amendment for the disposition of the surplus money of the government, which amendment was as follows:

"*And be it further enacted*, That the money which shall be in the treasury of the United States on the first day of January, 1837, reserving —— millions, shall be divided among the several states in proportion to their respective amounts of population, as ascertained by the last census, and according to the provision of the second section of the first article of the constitution; and the secretary of the treasury shall pay the same to such persons as the several states may authorise to receive it, in the following proportions, and at the following times, viz: one-half on the first day of April, 1837, one-quarter part on the first day of July, 1837, and the remaining quarter on the first day of October, 1837; and all states which shall receive their several proportions according to the provisions of this act, shall be taken and understood thereby to pledge the public faith of such states to repay the same, or any part thereof, to the United States, whenever congress shall require the same to be repaid by any act or acts which shall require such payment, ratably, and in equal proportion, from all the states which had received the same."

respecting slavery, it was stated that these gentlemen "refused" to vote, and the journal was amended accordingly.

The journal was subsequently corrected in two other places, so as to correspond with the above amendment.

Mr. *Lewis* stated to the chair that he had declined voting on either of the resolutions, for the reason that he did not think the house had any thing to do with the subject of slavery, any more than that of religion. Not wishing, however, to embarrass the house or delay its proceedings, he had not made any objections at the time. He believed that no petitions on the subject ought to be received, and, of course, no disposition could be made of them.

Mr. *Adams* submitted the following paper, with the motion that it be entered upon the journal of yesterday:

"And whilst the *speaker* was pronouncing his decision, Mr. *Glascock* offered to present a paper, in compliance with the request made by Mr. *Adams*, yesterday, which he alleged contained his reasons for asking to be excused for not voting on the day before."

Mr. *Adams* asked the yeas and nays on the motion, and they were ordered. The question being taken, it was decided in the negative—yeas 67, nays 111. So the house refused to amend the journal.

The clerk proceeded to read the journal.

Mr. *Granger* moved to amend the journal, by stating the fact that when he was called upon to vote on the second resolution, he refused to vote, and offered to read a paper stating the reasons for that refusal, when he was called to order by the chair.

After a very long debate, in which Messrs. *Adams*, *Granger*, *Parks*, *Speight*, *Briggs*, *Mann*, of New York, and *E. Whittlesey* took part,

Mr. *Vanderpoel* demanded the previous question; which was seconded by the house—86 to 49.

The main question was then ordered to be put.

The question being taken, it was decided in the negative, by a vote of 60 to 96.

So the house refused to amend the journal.

After the proceedings upon the third resolution had been read, Mr. *Adams* asked if his name was entered upon the journal as one who had answered to the call of the yeas and nays upon that resolution; and, upon being told that it was not, he moved to amend the journal by inserting the answer which he made at the time his name was called, and which he had sent at the time to the chair, in writing, in the following words: "I hold the resolution to be a direct violation of the constitution of the United States, of the rules of this house, and of the rights of my constituents."

Mr. *Adams* proceeded to speak in support of the motion. The *chair* called the gentleman from Massachusetts to order, on the ground that his remarks were irrelevant. Mr. *Adams* appealed from this decision, and thereupon asked the yeas and nays; which were refused. Mr. *Mann*, of New York, asked the previous question on the appeal; which was seconded—ayes 95, noes not counted. The main question, "Shall the decision of the chair stand?" having been stated,

Mr. *Wise* said, the gentleman from Massachusetts is called to order for irrelevancy of remark. He was not able, in consequence of the confusion and noise in the hall, to hear what those remarks were.

The *chair* again stated the question. Mr. *Anthony* moved to lay the proceedings on the table, but withdrew it. Mr. *Wise* demanded that the words objected to as irrelevant be put in writing. The *chair* decided the motion to be out of order, and again put the question on the appeal when there appeared 97 in the affirmative, and 40 in the negative.

So the decision of the chair was affirmed.

The question being taken on the motion of Mr. *Adams* to amend the journal, it was decided in the affirmative, without a count.

The clerk proceeded to read the journal.

Mr. *Adams* asked the favor of the house that it be stated on the journal that his name was called, he was present, rose in his place and answered, but did not vote. He had demanded as a right that this answer should be placed on the journal, there to stand to the latest posterity. The house having thought proper to refuse this, he now asked the minor favor to have the fact stated, that he was present and did answer. If this statement did not appear on the journal, it would not be a true record of the proceedings of this house.

After some remarks from Messrs. *Adams*, *Anthony*, *Taliaferro*, *Hamer*, *Wise*, *Dromgoole* and *Vanderpoel*,

Mr. *Vanderpoel* moved the previous question, which was seconded by the house, and the main question was ordered to be put. Mr. *Adams* demanded the yeas and nays, and they were ordered.

The question being taken, it was decided in the negative—yeas 55, nays 117.

So the house refused to amend the journal.

[The questions involved in the desultory discussion which took place upon the motions to excuse members were of considerable interest, and may be stated, not exactly in the order in which they were alluded to, but as they naturally seem to arise. In the first place, it was questioned whether the house had power to compel a member to vote, notwithstanding the 28th rule of the house—"Every member who shall be in the house when the question is put, shall give his vote, unless the house, for special reasons, shall excuse him." No case was cited, except in the instance of Mr. *J. Q. Adams*, who, in 1832, asked to be excused from voting on the resolution that Mr. *Stanberry*, of Ohio, had used words committing an indignity both to the speaker and to the house, and merited the censure of the house. Upon the vote passing the resolution, Mr. Adams asked to be excused from voting, and sent his reasons in writing, which were read by the clerk, and inserted on the journal. The house refused to excuse Mr. Adams, and, upon a second call of his name, he said, "I decline to answer." A motion was then made to reconsider the vote by which the house refused to excuse him; which was negatived. By direction of the speaker, Mr. Adams' name was called a third time, when he made no answer. Resolutions were then offered to the effect that Mr. Adams had committed a breach of a rule of the house, and asking for the appointment of a committee to report what ought to be done in the case: and these resolutions were subsequently laid on the table, so that no decision upon the power of the house was had in that case. Two points referred to were: 1st. That the consideration of the question of excusing a member, or compelling him to vote, was to be postponed till after the roll had been called; and, 2d, that the declaration of the vote of the house could not be arrested by the refusal to vote, or by the consideration of that question by the house. These two points were decided by the chair to be established by that precedent; and as much debate as the call to order would allow was had upon them. It was urged that the rule required special reasons to be assigned, in order that the member should be excused; and that the member had a right to have those reasons given and entered upon the journal; a right which was denied, as was alleged, by the decision of the first point mentioned. It was denied that a declaration of a vote could be made, or that any decision had been made by the house, so long as a member was present, declining to vote, and was not either compelled to vote under the rule, or excused by a vote of the house. It was further said, that by postponing the question, without excusing or compelling, and by declaring the vote as decided, the subject was gone from the possession of the house, and there was nothing for a member to vote upon: wherefore it would be impossible to act upon the excuse or refusal, so as to compel a member to vote, for members must either vote or be excused, while the question was pending.

To this it was replied, that, under the previous question, while taking the vote, no reasons could be received or discussed or acted upon; and that the contrary practice might prevent any question from being decided, for a member might refuse to vote, and upon a motion to excuse him, another might refuse, and so on, so that no question could be taken on the main question. It was decided by the chair, who was sustained by the house, that this construction was correct, and in accordance with the precedent.

The result was, that some of the motions to be excused, and some of the attempts to offer reasons, were omitted to be stated on the journal; and four hours of the morning were occupied in efforts and arguments to amend the journal, so as to supply that deficiency; but the motions were nearly all rejected; and no decision in this instance has been had upon the power of the house to compel a member to vote, or upon the mode by which the rule could be enforced.]

The clerk proceeded to read the journal. Mr. *Lewis* moved to insert the following in the journal; which was agreed to:

"Mr. *Lewis* rose in his seat, and stated that he should decline to vote on any of the resolutions."

The clerk then proceeded to read the journal, and concluded the reading at half past one o'clock.

The chair presented two communications from the president of the United States, transmitting reports from the secretary of war, in answer to the resolution of the house calling for information in relation to the Seminole war; which were referred to the committee on Indian affairs.

The house then resumed the consideration of the "bill to change the organization of the post office department, and to provide more effectually for the settlement of the accounts thereof," which occupied it till the hour of adjournment.

Saturday, May 28. Mr. *Howard*, from the committee on foreign relations, reported the following resolution; which was laid on the table on motion of Mr. *Whittlesey*.

Resolved, That the house will, on Saturday next at 11 o'clock, proceed to the consideration of bill No. 611, entitled a bill anticipating the payment of the indemnities accruing to citizens of the United States under the convention with France of the 4th July, 1831, and that of the Two Sicilies of Oct. 14, 1832, and that it shall take precedence at such hour of all the other business of the house.

On motion of Mr. *Cambreleng* the rules were suspended for the purpose of taking up the motion to print 2,000 copies of the annual statement of the commerce and navigation of the United States—which motion was amended so as to make the number of copies 10,000, and agreed to.

The house refused to suspend the rules for the purpose of taking up the resolution making the bill to regulate the deposite of the public money in certain local banks the special order of the day for a certain day—but agreed, on motion of Mr. *Bell*, to suspend them to enable him to report the Indian appropriation bill, from the committee on Indian affairs. Mr. *Bell* then reported the bill and amendments, which were committed to the committee of the whole on the state of the union. Mr. B. next moved to suspend the rules in order to proceed to the consideration of the bill. Lost.

On motion of Mr. *Whittlesey* the house proceeded to the consideration of the orders of the day, which were private bills, and after some time spent therein, the house adjourned.

Monday, May 30. The house refused to consider a resolution, offered by Mr. *Heister*, fixing a day for the adjournment of congress.

The house also refused to suspend the rules to enable Messrs. *Storer* and *Harper* to present memorials from citizens of Cincinnati and Philadelphia, respectively, praying congress to recognize the independence of Texas.

The remainder of the session was occupied in the consideration of some unimportant motions and appeals from the decision of the chair; after a decision was had, the house adjourned.

Tuesday, May 31. The resolution from the committee of ways and means setting apart a certain day for the consideration of the bill regulating the deposites of the public money in certain banks, was taken up as the order of the day, and postponed until to-morrow week.

After some private and local business had been disposed of, Mr. *Lane*, from the committee for the District of Columbia, made a report on the subject of imprisonment for debt, accompanied by the following resolution, which lies one day:

Resolved, That the secretary of state be requested to ascertain and report to this house the number of persons imprisoned for debt since 1820, in the District of Columbia; the times during which they were imprisoned; the amounts of their respective debts; the portions thereof paid in consequence of their imprisonment; the expenses to creditors of maintenance, &c. with such other facts as to allegations of fraud, age, sex, and condition of the parties as can be conveniently procured.

Mr. *Boon*, from the committee on public lands, reported a bill to amend an act granting lands to certain exiles from Poland—but before it was disposed of the house proceeded to the orders of the day and took up the bill to change the organization of the post office department, &c. The bill occasioned a protracted and desultory debate, during which various amendments were proposed—several of which were adopted and others rejected; but as it is our intention to insert the bill when passed, it is not necessary to notice them at present. Finally, pending an amendment relating to the salaries of clerks of the department, the house adjourned.

Wednesday, June 1. The message of the senate asking a conference on the disagreement of the two houses on the senate's amendment of the bill to carry into effect the convention with Spain, was taken up; when,

On motion of Mr. *Adams*, the house insisted on their disagreement to the senate's amendment, and agreed to appoint a committee of conference on their part.

After several resolutions had been received and referred, and an ineffectual attempt of Mr. *Heister* to induce the house to suspend the rules to take up the joint resolution from the senate, proposing to fix upon a day for the adjournment of congress, Mr. *Hunt* asked leave of the house to make a statement on a subject in which he was personally concerned, and which was of deep and vital importance to this country.

Objections being made,

Mr. *Hunt* moved the suspension of the rules, for the purpose indicated. He held in his hand, he said, a document which he had found on his table, since he came into the house this morning, and to which he wished to call the attention of the house.

[Cries of "order."]

The *speaker* put the question on the suspension of the rules; when, by the sound, it seemed to be lost. Before the result was announced, the yeas and nays were called for and refused.

Mr. *Hardin* asked if it was in order to amend the motion, so as to allow him to make an explanation. He had been represented, in a document now on the tables of members, as having voted for the emancipation of slaves in the states, which was utterly false.

Mr. *Patton* stated that no member of the house, after knowing the object of the request, would refuse it. The tables of the house had been covered with copies of a document, which members were unwarily circulating, containing foul misrepresentations of the course of members of this house on a most important question.

Mr. *Claiborne* corroborated the statement of Mr. *Patton*, and urged the house to give Mr. *Hunt* an opportunity to explain, &c. He concluded with a motion to suspend the rules—yeas 140, nays 36. Leave having been granted, Mr. H. proceeded to explain, and said—After taking my seat this morning, and after the business of the house had commenced, my attention was accidentally called to a publication from the office of the Globe in a *pamphlet form*, purporting to be the "report of the select committee upon the subject of slavery in the District of Columbia, made by hon. *H. L. Pinckney*, to the house of representatives, May 18, 1836. To which is appended the votes in the house of representatives upon the several resolutions with which the report concludes." The first resolution is in the following words, viz: "*Resolved*, That congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the states of this confederacy;" and the pamphlet to which I allude, goes on to say, "the following are the votes on the resolutions at the conclusion of the report, viz: on the first resolution, *Nays*—Messrs. Adams, H. Allen, Bailey, Bell, Bond, Bunch, G. Chambers, Clark, Everett, Granger, Graves, Grennell, H. Hall, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Hunt, Janes, Lawler, Lawrence, L. Lea, Lewis, Lincoln, Lyon, S. Mason, McKennon, Patton, J. A. Pearce, Pickens, Rencher, Russell, A. H. Shepperd, Slade, Sprague, Standefer, Steele, Taliaferro, Underwood, Vinton, Whittlesey, L. Williams, S. Williams and Wise—46.

Now, sir, your journals show that, upon this first resolution, there were nine* only in the *negative*, and that my name stands recorded in the *affirmative*. As regards the rank injustice done other gentlemen, it does not, perhaps, behoove me to speak; they are abundantly able to protect their own reputations; but as regards myself, I pronounce the publication in question to be either a gross misrepresentation, or a most palpable and inexcusable mistake, &c. When Mr. *Hunt* had concluded, Mr. *Underwood* asked whether the document had been received by order of the house; if so, he should propose a resolution, declaring it to be erroneous in its statements. Some one replied in the negative. Mr. *A. H. Shepperd* asked whether the clerk had furnished the list of yeas and nays for publication.

The *speaker* stated that the clerk, in reply, had informed him that he was not in the habit of furnishing lists to editors, but that editors had access to the book of yeas and nays, and took the lists for themselves.

Mr. *Mercer* asked to what date the printed journal had been brought down.

The *speaker* replied, to the 16th of May.

Mr. *A. H. Shepperd* and Mr. *Mercer* asked leave to make explanations on the subject; but it was objected to.

Mr. *Gillett* said, if the house would permit him, he would explain this matter; but objections were made.

Mr. *Claiborne* said he felt his reputation involved in this subject, and he claimed it as a right to make a statement to the house.

[Cries of "leave, leave," and "no, no."]

Mr. *Claiborne* moved a suspension of the rules for the purpose.

Mr. *Mercer* moved to amend the motion so as to permit others to make explanations; which motion was, after some confused proceedings, agreed to by a vote of 91 to 79.

Mr. *Patton* rose, and called the attention of the house to the fact that the Globe newspaper recently contained an editorial article making statements equally as gross and false as those which had been just brought to the notice of the house. Mr. P. was here interrupted by calls to order. The question on the motion to suspend the rules was taken by yeas and nays, and negatived—yeas 98, nays 82; not two-thirds. Mr. *Underwood* asked the consent of the house to offer a resolution directing the printer to the house to publish five thousand copies of the report on the slavery subject, with the yeas and nays on each of the resolutions annexed. Mr. *Vanderpoel* objected, on the ground that it would create a debate. Mr. *McKennan* asked the gentleman from Kentucky to withdraw the motion. He had no idea, he said, of paying the printer for his blunders. Mr. *Underwood* withdrew the proposition.

Mr. *Wise* rose simply to request the members who had received these pamphlets to prevent their circulation.

"Yes," "certainly," was responded from every part of the house.

On motion of Mr. *Connor*, the house then proceeded to the orders of the day, and took up the bill to change the organization of the post office department, &c. when, after considerable discussion on a variety of amendments, the previous question was called and sustained—after which the bill was ordered to be engrossed for third to-morrow.

On motion of Mr. *Connor*, the house then took up the bill to establish certain post routes, and concurred in the amendments made in committee of the whole; and also adopted several other amendments proposed by the committee on the post office and post roads, and by several members of the house; after which the bill was ordered to be engrossed for a third reading. The house then adjourned.

Thursday, June 2. After two or three ineffectual attempts to suspend the rules, and the presentation of several resolutions of a private or local nature, the house proceeded to the order of the day, it being the engrossed bill to change the organization of the post office department, and to provide more effectually for the settlement of the accounts thereof. It was then read a third time, when Mr. *Johnson* moved to recommit the bill to the committee of the whole. This motion gave rise to an animated discussion in relation to the compensation allowed by the bill to deputy postmasters, clerks, &c. It was finally arrested by a call for the previous question, which was sustained. The main question was then put, Shall the bill pass? and carried in the affirmative without a division.

On motion of Mr. *Cambreleng*, the house resolved itself into a committee of the whole house on the state of the union, (Mr. *Smith* in the chair), and took up the "bill making appropriations for the current expenses of the Indian department, for Indian annuities, and for other similar objects, for the year 1836." Several of the amendments were concurred in and others passed over for the present—the committee then rose.

Mr. *Adams* asked the consent of the house to take up, at this time, the resolution to print 5,000 extra copies of the report of the select committee on the subject of slavery.

A motion was made that the house adjourn. Mr. *Adams* asked the yeas and nays, but they were not granted, and the house then adjourned.

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*The gentlemen who voted in the negative upon the first resolution were Messrs. Slade, Potts, Phillips, Jones, Jackson, of Mass. Everett, Denny, Clark and Adams.

INDIAN WAR IN FLORIDA.

GEN. CLINCH'S REPORT.

We publish the following report of brigadier gen. CLINCH's return march from Tampa Bay to Fort Drane, which shows that the entire *cove* of the Wythlacoochee was a second time scoured by the troops, agreeably to the instructions of major general SCOTT, without, however, discovering any signs of Indians, or of the women and children. [*Globe.*

Head quarters, right wing, Florida army,
Fort Drane, April 27th, 1836.

Major general Scott, commanding:

SIR: I have the honor to submit the following report of the operations of this wing of the army, since marching from Tampa Bay, in obedience to your order of April 11th, No. 28.

On the 14th instant, the wing, composed of the following force, viz: artillery, 278; dismounted dragoons, 43; 4th infantry, 202; Augusta volunteers, 139; mounted men, 140; total, 802; marched on its return to Fort Cooper, making shorter distances than before, in consequence of the increased heat of the weather, and the debilitated condition of the horses. All the sick, to the number of 80, have been left in hospital at Fort Brooke. On the 17th, the fourth day of the march, arrived within three miles of Fort Cooper, and halted. On the morning of the 18th, despatched some light wagons, escorted by Malone's and Campbell's companies of mounted men, with instructions to major Cooper to join me. Their escort companies had proceeded to within half a mile of his position, when, as they were passing a hammock, they were fired upon by the enemy, and lieutenant Dawson and private Howard severely wounded. This information being brought back to me, and apprehending that they might have encountered a large body of Indians, I sent out the commandant of the right column, col. Bankhead, with a battalion of artillery, to reinforce the detachment. Before his arrival, the enemy had retired. Major Cooper joined me in the course of the day. My reasons for halting were to give the horses a day's rest, and because near that point the trail, (which) according to my instructions, I was to proceed, diverged to the right and rear.

Major Cooper had been invested by the enemy from the 5th until the 17th April. In the course of daily skirmishing with them, he lost one killed and five wounded. With this you will find a copy of his report. His conduct and that of his officers and men deserves, and I have no doubt will receive, the highest gratitude of their country, as they displayed great coolness and firmness under the most trying circumstances. Major Cooper estimates the force around him at 250. There were probably more, though not in view.

On the 19th marched; and at the distance of four miles, came to the river—followed the course of the river seven miles, and encamped—20th, continued the march up the river seven miles to the Tampa road, at colonel Lindsay's position, and encamped.

The distance from the old Indian town, (my position on the 18th) three miles from Fort Cooper, on the trail to Camp Chrisholm, to the crossing of the Wythlacoochee, on the Tampa road, is 18 miles. The course for the first fourteen miles, southeast by south, and for the last four, northeast; at the distance of three miles above the old Indian town, the lake Hocklekaha, or range of ponds which we first struck on the 30th March, terminated.

The approaches toward the river between the ponds, if they be ponds, and not a lake, were narrowly searched with a view to ascertain whether any access to a position for operations between the ponds and the river could be observed. I am satisfied that there is none. The only trail, above the Indian town, leads across the river at a point which we discovered to be the upper termination of the ponds, by pursuing this trail. The course of my route corresponds very nearly with the course supposed given to the river by colonel Gadsden, in his draft. The bend of the river is more regularly curved than he has made it.

No ford practicable for wagons could be discovered, although there are several well worn trails leading across. I have every reason to believe, from the size which we observed in the route, that a considerable portion of the enemy inhabit this region of country, but in detached parties; and that their last place of retreat will be either between the forks of the river, or between the ponds and the river, and that the true plan of operations against them, will be that first designed by you; that is, by a force from Pelaklekaha, a force ascending by my route, and a corresponding one on the north side. The Indians can cross the river at various places, with such facility, that no single force can proceed against them with any certainty of success. I crossed both branches of the river by the Tampa road, having left with col. Lindsay the 4th infantry, and taken up the mounted escort and Nelson's company; 22d, on this day one of the flankers, Bostick, was fired on, as he passed very near a hammock. His horse was wounded under him. Prompt pursuit was made, but without success. The Indians retreated through the thick undergrowth, too rapidly to be overtaken; 23d and 24th, continued the march to Fort King, capturing and driving along about 200 head of cattle; 25th, after having left a supply of ammunition at Fort King, marched to Fort Drane; men and horses much exhausted by sickness, and the heat of the weather—another day's march would have occasioned the abandoning a part of the train. Fifteen horses and mules died on the road, and eight were turned out, that could not be got along by leading.

I must be permitted to express my high approbation of the gallant feeling manifested on all occasions, by both officers and men, under the most trying circumstances, attendant on a long and fatigning march, through a country almost unknown to the white man, and in charging through swamps and hammocks, whenever the track of the enemy was visible; all of which they bore without a murmur, and with the greatest firmness. I cannot close this communication, without expressing my high gratification at being able to say, that not the smallest difficulty occurred in the right wing, from the time we left Fort Drane, until the return to it, and that the best and kindest feelings existed between the different corps composing the wing, and the only rivalry who should occupy the post of danger.

I am sir, with the highest respect and regard, your most obedient servant, (Signed)

D. L. CLINCH, *brig. gen. U. S. A.*

The following general order has been issued by major general *Scott*, commanding the army of Florida:

Head quarters, army of Florida, St. Augustine, May 17, 1836.

The panics which have recently possessed the good people of several large districts of this territory are infinitely humiliating.

Within a few days, just five Indians penetrated a neighborhood in the heart of Middle Florida, and committed a murder. Instead of giving pursuit, the inhabitants abandoned their plantations, and fled to Tallahassee.

A similar party had but a few days before thrown the Micanopy settlement into the utmost confusion. A gang of cow stealers adroitly added a report that an immense fresh Indian trail had been observed crossing the Tallahassee road, near the Santa Fe bridge. The whole country, from Micanopy to Black creek, instantly became wild with fear. The daring falsehood was immediately exposed by colonel Fitzpatrick and captain Shannon, of the army, who happened to pass that way, together with the motive of the propagators; but the inhabitants could see nothing but an Indian in every bush, and therefore continued to fly.

On this side of the St. John's, a keen susceptibility of the same kind prevails. A small party of the enemy lately ventured within the settlements. A company of regular foot was promptly mounted, sent in pursuit, beat the enemy, and secured most of the property the maranders had taken. Now, although it is known to all cool people that the greater number of the party were killed outright, and that a like fate awaits any body of the enemy that may follow, a panic is rife throughout the country; the inhabitants are still flying to St. Augustine, and from St. Augustine to Georgia and South Carolina.

It is evident that no general, even with extensive means, can cure a disease in the public mind, so general and so degrading, without some little effort on the part of the people themselves. Thus the planters in the recent case near Tallahassee, who fled without knowing whether they ran from squaws or warriors, ought first to have ascertained that material fact. If they had turned upon the enemy, they would have found the case within the easy compass of any three or four resolute masters, and half as many overseers. This was the simple and manly course. That adopted was, to fly, to spread the panic, and to throw execrations upon the general who has the misfortune to command a handful of brave troops in the midst of such a population.

Not a regular company has been sent out of the territory, except, possibly, three from Tampa Bay. Besides a strong garrison there, two companies were directed thence to occupy a post on the Suwanee; two are posted at Fort King; five at Fort Drane; one (mounted United States dragoons) at Oaklands, six miles off; one at Micanopy; and a twelfth at Garey's ferry.

These forces ought, in the opinion of the commanding general, to give reasonable security to the Alachua and Suwanee frontiers, particularly if one or two companies of mounted men can be obtained to aid the company of dragoons in scouring the country between the chain of fixed posts. Measures have been taken to encourage the enrolment of mounted men, and it is understood that the governor is exerting himself in the same way. His excellency will, moreover, to complete the means of defence, be requested to hire, on account of the United States, at Appalachicola or elsewhere, a suitable steamboat, to cruise from the mouth of the Suwanee up that river as far as practicable. One of the companies, supposed to be already on the river, will be instructed to embark, and remain on board the boat.

On this side of the St. John's, the means of defence, though much more limited, are deemed fully adequate, if aided by a single company of mounted volunteers; and one, it is hoped, will soon present itself for the service. Of the five regular companies, one has already been mounted on horses belonging to the wagon train, and in a few days another will be put on horseback by the same means. The commanding general has no power to purchase horses expressly for this purpose. The companies on foot will be posted, whilst the mounted will be kept constantly in movement; and it may be added that the little steamer, called *The Essayons*, belonging to the United States, will be kept daily cruising up and down the St. John's.

The post and steamboat on the Suwanee, Fort King, Oaklands, Micanopy and Gary's ferry, will all be under the immediate orders of the field officer, major Heillman, stationed at Fort Drane, and he will communicate freely with the governor of the territory.

Should the post ordered to be established at Watson's or Dabney's plantation, on the Suwanee, prove to be unhealthy, the commanding officer is authorised to remove higher up the river, in search of a better position, giving the preference to the left bank of the stream.

CAPTURE OF SANTA ANA.

From the New Orleans Bulletin.

The following are copies of letters and documents direct from Houston's camp, received yesterday by the steamer Levant, from Natchitoches. [The orders are copies of translations from the original Spanish.]

Santa Anna to general Philasola.

Army of operations, coast division under my command.

Having yesterday had an unfortunate encounter, I have resolved to remain a prisoner of war in the hands of the enemy. After having taken every precaution, I therefore hope that your excellency will cause the division under the command of gen. Parza to countermarch to Bexar, where he will wait for orders. Your excellency will also return to the same place, and order general Viesca, with his division, to Guadaloupe Victoria. I have agreed on an armistic with gen. Houston, ad interim, until we can agree upon terms of lasting peace.

Your excellency will take such measures as may be necessary for the subsistence of the army, which will remain under your command. The money that has arrived at Matamoras, and the provisions of the place, and those at Victoria, will be subject to orders; also, 20,000 dollars that may be in the treasury are to be taken from Bexar. I trust that your excellency will, without fail, comply with those dispositions, advising me of same by return of couriers; as, also, if any should oppose its accomplishment. God and liberty.

ANTONIO LOPEZ DE SANTA ANA.

Camp Jacinto, April 22, 1836.

[COPY, NO. 2.]

Army of operations.

EXCELLENT SIR: Inasmuch as I have ordered your excellency by official note of this day that you cause the troops to return to Bexar and Guadaloupe Victoria, I charge you to instruct the commandants of the several divisions not to permit any damage to be done to the property of the country; hoping that these dispositions will be punctually complied with. God and liberty. ANTONIO LOPEZ DE SANTA ANA.

San Jacinto, April 22, 1836.

[ORDER, NO. 3.]

Army of operations.

EXCELLENT SIR: You will immediately order the military command at Goliad to put all the prisoners made at Copana at liberty, and send them forthwith to San Felippe de Austin, and for which purpose your excellency will dictate such orders as may be conducent to the object. God and liberty.

ANTONIO LOPEZ DE SANTA ANA.

Camp San Jacinto, April 22, 1836.

War department, head quarters army, San Jacinto river, April 26th, 1836.

All the troops on their march from the east will report at head quarters as early as possible, marching by way of Harrisburgh for the present—but all turn out. The enemy have been badly defeated, and are retreating precipitately, for the purpose of concentrating. One bold push now will drive them entirely out of the country, and secure liberty, independence and peace, to Texas. Let all turn out.. Our standard is a victorious one, and waves beautifully under the smiles of a beneficent Providence. THOS. J. RUSK, *sec. at war.*

Copy of a letter from general Samuel Houston.

San Jacinto, 25th April, 1836.

Tell our friends all the news, and that we have beaten the enemy, killed 630, and taken 570 prisoners. Generals Santa Ana and Cos are taken, and three generals slain. Vast amount of property taken, and about 1,500 stand of arms, many swords, and one nine pound brass cannon. Tell them to come on, and let the people plant corn.

SAMUEL HOUSTON, *commander-in-chief.*

OFFICIAL.—FRENCH INDEMNITY.

The agent of the United States in Paris, having received from the government of France the sum of francs 18,486,666 52, on account of the indemnity of 25 millions of francs, under the treaty July, 1831, the amount of which is now in the course of transmission to this country, the claimants holding certificates from the treasury department are hereby notified that the bank of America, in behalf of the United States, and by authority of the secretary of the treasury, will advance and pay, on the 15th of June next, a proportional part of their respective certificates, equal to at least the ratio of 50 cents on the dollar of the abovementioned sum received by the agent in Paris, together with the same ratio of the sum there deducted, and to be repaid here out of the treasury of the United States, being 1,180,000 francs. The said certificates must be presented at the bank for that purpose, by the parties to whom they shall have been issued, or by their legal assignees, or duly constituted attorneys. The residue of what has been received in Paris, and of the sum deducted there, will be paid out here, soon as the former arrives, and the net proceeds of the whole can be ascertained.

Treasury department, May 25, 1836.

LAW CASES.

CIRCUIT COURT OF THE U. STATES, DISTRICT OF MARYLAND.

Before the honorable R. B. Taney, chief justice, U. S. Heath, district judge.

The United States, *vs.* Arthur Dashiell, } Five indictments for forgery and fraud.

These prosecutions commenced on the 16th, and terminated on the 26th May, ultimo. They were founded on the act of congress, of the 3rd of March, 1823, which provides for the punishment of frauds perpetrated, or attempted to be perpetrated on the United States, by the use of forged papers; and for the possession of such papers, with intent thereby to defraud the United States.

The prisoner was proved to have obtained the signature of a justice of the peace for Somerset county, upon a false pretence, to a forged affidavit; and, at another time, the signature of a justice of the peace for Dorchester county, to three blank papers, over which were afterwards written by him affidavits wholly different from what the parties authorised to be set down as their evidence. These papers, in regard to the first, he delivered to a respectable counsel in the District of Columbia, and, in respect to the other three, he transmitted by mail from this district, to his counsel there, and they were all presented at the office of the secretary of the treasury, in support of a claim for the half pay of a certain *Jesse Cannon*, who served as a lieutenant in the navy of Virginia, during the war of the revolution.

In the progress of the trial on the first indictment, the able and ingenious counsel for the prisoner took various legal objections, and insisted on numerous points, which occasioned a wide range of discussion and extended researches into the whole criminal code.

The result was, that some counts were quashed, because the forged instrument was not set out in them; one which charged the forgery and for variance in the recital of it, in mistaking the figures 10 for 18 and in inserting the words "their father and *their* uncle" for "their father and uncle," while another was sustained, where the word "that" was put for "the," and "they" for "thy," (both required by the sense), the court deeming these variances immaterial. Most of the other objections were overruled. But the court decided against the prosecution, the two following points, on which it mainly relied—that the offence for *uttering as true* the forged paper, and the offence of *causing to be presented* such forged paper at the office of the secretary of the treasury, having been consummated in the District of Columbia, the prisoner could not be convicted of either within this district. The facts were, that the forged paper was sent from Cambridge in this district, by the prisoner, through the mail, to his agent in the District of Columbia, with instructions to present it in support of the claim aforesaid, at the proper office, and they were accordingly so presented. The district attorney also insisted on the fact of a subsequent sale by the prisoner of the claim to another party in Somerset county, as further evidence in support of the count for uttering as true the false paper.

This indictment being no longer sustainable, as a matter of form, a verdict of not guilty was rendered for the prisoner.

Of the four remaining indictments two were drawn on the first section of the act of congress, treating the offences as felonies, and resembled the first, with the difference of the papers charged as forged, uttered, &c.; and the other two were drawn on the second section, which provides for punishing as a misdemeanor the *knowingly having in possession* forged papers, with intent to defraud the United States.

The prisoner pleaded *guilty* to the two last mentioned indictments; and the district attorney entered a *nolle prosequi* on the two others.

A consideration which led the district attorney to enter the *nolle prosequi* on the remaining indictments for felony, was the opinion which he held, that they were barred by limitations, by a single day, on the day the indictments were found by the grand jury; according to a recent decision of the circuit court of the U. States, for the eastern district of Virginia, in a prosecution under this same statute.

The indictments for misdemeanor came within the limitations, by one day, in one case, and two days in the other. And the indictment first tried was found only two days within the limitation.

The court sentenced the said *Arthur Dashiell* to be imprisoned in the jail of Baltimore county for two years and six months, and to pay a fine of $5, and costs, on each conviction—making in all *five years* imprisonment.

The court being satisfied of the prisoner's inability to pay, inflicted merely a nominal fine.

N. Williams, district attorney, for the United States—*W. H. Collins* and *T. Yates Walsh*, council for the prisoner.

[*Patriot.*

Supreme court. Barent P. Staats *vs.* John Thompson. This was an action brought by B. P. Staats, president of the Albany County Medical society, against John Thompson, a botanic

physician, for practising medicine contrary to the laws of this state. Defendant produced a patent from the United States to his father, for the exclusive right and use of certain botanic medicines, and he as assignee of the patent, claimed a right under said patent to practice and prescribe for patients. The justices court of the city of Albany decided that he, Thompson, had no right to practice medicine for fee or reward, unless he had a diploma from some regular incorporated medical school or society, and fined him the sum of $25, from which decision Thompson appealed to the supreme court. The supreme court affirmed the decision; consequently botanic physicians have no right to recover for services. [*Albany Argus.*

NEW YORK LEGISLATURE.

COMMERCIAL BANK INVESTIGATION.

The following is the letter of Messrs. Young and Van Schaick, resigning their seats in the senate of New York, in consequence of the decision of that body in the case of Isaac W. Bishop.

To the president of the senate:

SIR: The senate, by a resolution of the 20th instant, determined that it possessed the power of expulsion. It also pronounced by another resolution that *Isaac W. Bishop*, a member of this body, had been guilty of moral and official misconduct; and by a subsequent vote, on another resolution, it decided that it would not expel the said Isaac W. Bishop.

It results from the above decisions that Mr. Bishop is authorised to exercise the functions of senator and the office of judge in the court of last resort, during the period for which he was elected. Against him as an individual we have never entertained any hostile feeling and it is our earnest desire that he may so conduct hereafter as to merit the confidence of the community, and receive the forgiveness of both God and man. But we protest against the position assumed by the senate, that we must, at his option, mingle our official labors with his. If the fountain of law and of justice contains pollution, who will believe that its streams are pure?

He is clearly convicted of gross immorality and also aggravated official misconduct. For the truth of this assertion we confidently appeal to the unbiased judgment of every intelligent individual who will carefully examine the testimony. But the obvious deduction from the proceedings of the senate is, that such conduct does not call for expulsion, nor even merit a reprimand; and that moral and official misconduct may be ranked among the privileges of a senator of this state. Against such positions we strongly protest.

Having acted together on the committee of investigation, and entertaining corresponding views in regard to the soundness and importance of the principles contained in the report of that committee, we have deemed it proper to unite in this last expression of our sentiments.

Strongly impressed with the belief that the course adopted by the senate on this subject, is calculated to relax those moral principles which the author of our nature designed as the ligaments of society, and which law-givers and judges should ever regard and maintain as holy and inviolate, and also to weaken the bonds by which alone honorable men can be held together; we cannot, under such circumstances, longer retain our seats, and exercise our functions. We therefore hereby severally resign the office of senator.

S YOUNG,
M. VAN SCHAICK.

May 22, 1836.

Mr. Bishop before tendering his resignation narrated the manner of his becoming acquainted with Mr. Henry Hone, and stated that the hon. Mr. Van Schaick, a man of honor and philanthropy, and who had given large sums as religious and charitable donations, was one of a party at which Mr. Hone and others played cards. Through that medium, Mr. B. said, he became acquainted with Mr. Hone, and as he had been censured for associating with him, he deemed it proper, at this time, to explain the origin of that association. Mr. B. then sent up his resignation, which was read, as follows:

To the hon. *John Tracy, lieutenant governor:*

I have retained my seat in the senate, only with a view that the judgment of my peers might be pronounced upon the charges made against me. My own knowledge that I had not sullied either my personal honor, or the high station to which I had been called by my constituents, has enabled me to meet my accusers and judges with unblushing confidence as to the result of your deliberations in my case.

The decision of the senate declaring that I had not been found unworthy of a seat, and that I had not done any act demanding my expulsion, justifies the course I had marked out for myself.

Surrounded by artful and designing accusers, whose love of gain had driven them to fearful extremities for the purpose of extorting money from my apprehensions. They having failed in this, I, in the end, forced them to attempt my conviction by the vote of the senate. The political views of some, and the private hostility of others, having been rebuked, makes me willing to declare that my farther association with the senate is at an end. In tendering my resignation, I am guided solely by my own notions of personal honor, and what I believe to be my duty to my constituents of the fourth senate district. I sincerely hope they may fill my place with one who, under existing circumstances, can better serve them.

But permit me to say that I believe they will not find a representative that will serve them with a truer or more devoted heart than I have done. During this investigation, and under the most trying difficulties, I ask you, fellow senators, whether I have shrunk from any vote which was demanded by the will of those I represented? If I have obeyed the will of the people to my personal prejudice, am I not to be believed when I assert, as I now do before God and men, that I have been most falsely and maliciously assailed.

At a proper time and occasion I shall expose fully to my constituents the motives and objects of a corrupt combination to destroy me, and that one of my colleagues, Samuel Young, deserves their condemnation as he has deserved and received "the condemnation of the senate." I have only to declare in conclusion, that with the exception of those who are no longer senators, and who assuming the garb of hypocritical purity and sanctity, were actuated toward me by motives of malice and revenge, I entertain toward the senate and yourself personally, feelings of the greatest kindness and sentiments of the most profound respect.

I do therefore respectfully resign my seat in the senate.

ISAAC W. BISHOP.

The Albany Journal in speaking of Bishop's resignation says: Much of Mr. Bishop's statement we know to be wholly untrue. The manner in which he says he became acquainted with Mr. Hone is notoriously incorrect. Messrs. Bishop and Hone were members of the legislature two years ago, and were as well acquainted then as now. All of that part of his statement is a miserable fiction.

THE PUBLIC MONEY.

The secretary of the treasury reports to the senate that the amount of public money in the deposite banks on (or nearest to) the 1st May, was $38,496,755.

We extract from the report of the secretary the following recapitulation of the condition of the thirty-six deposite banks on the 1st of May: [*Nat. Int.*

LIABILITIES.

Capital	$44,724,210 85
Treasurer of the United States	35,520,328 08
Public officers	2,976,427 01
Due to banks	16,975,570 57
Contingent fund	1,160,736 43
Profit and loss	4,578,377 78
Circulation	29,182,068 18
Private deposites	16,721,924 46
Other liabilities	7,103,775 99
	$158,943,419 35

MEANS TO MEET LIABILITIES.

Loans and discounts	$70,164,282 50
Domestic exchange	35,764,231 43
Real estate	2,396,120 46
Due from banks	17,188,756 26
Notes of other banks	13,000,421 07
Specie	10,202,245 80½
Foreign exchange	134,483 48
Expences	343,034 52
Other investments	9,749,843 83
	$158,943,419 35½

SLAVERY IN THE DISTRICT OF COLUMBIA.

In the house of representatives, February 8, 1836.

Resolved, That all the memorials which have been offered or may hereafter be presented to this house, praying for the abolition of slavery in the District of Columbia; and, also the resolutions offered by an honorable member from Maine, (Mr. *Jarvis*), with the amendment thereto proposed by an honorable member from Virginia (Mr. *Wise*); together with every other paper or proposition that may be submitted in relation to the subject, be referred to a select committee with instructions to report:

That congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the states of this confederacy; and

That, in the opinion of this house, congress ought not to interfere in any way, with slavery in the District of Columbia, because it would be a violation of public faith, unwise, impolitic and dangerous to the union. Assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to allay excitement, to repress agitation, to secure and maintain the just rights of the slaveholding states, and of the people of this District, and to restore harmony and tranquillity among the various sections of this union.

Mr. *Pinckney*, of South Carolina; Mr. *Hamer*, of Ohio; Mr. *Pierce*, of New Hampshire; Mr. *Hardin*, of Kentucky; Mr. *Jarvis*, of Maine; Mr. *Owens*, of Georgia; Mr. *Muhlenberg*, of Pennsylvania; Mr. *Dromgoole*, of Virginia, and Mr. *Turrill*, of New York, were appointed a committeee in pursuance of the resolution.

Attest: W. S. FRANKLIN, *clerk.*

MR. PINCKNEY'S REPORT.

The select committee, appointed under the following resolution of the house of representatives of the United States, of the 8th of February, 1836, viz: "*Resolved*, That all the memorials which have been offered, or may hereafter be presented to

this house, praying for the abolition of slavery in the District of Columbia; and also the resolutions offered by an honorable member from Maine, (Mr. *Jarvis*), with the amendment thereto proposed by an honorable member from Virginia (Mr. *Wise*); together with every other paper or proposition that may be submitted in relation to this subject, be referred to a select committee, with instructions to report: That congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the states of this confederacy; and that, in the opinion of this house, congress ought not to interfere, in any way, with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic and dangerous to the union: assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to allay excitement, to repress agitation, to secure and maintain the just rights of the slaveholding states, and of the people of this District, and to restore harmony and tranquillity amongst the various sections of this union:" respectfully submit the following report, in which they have unanimously concurred:

The subject referred is one of grave import. Your committee approach it with a deep sense of its magnitude and absorbing interest. They have long considered the movements in relation to this matter as fraught with incalculable evils, not only to the slaveholding states, but to every portion of our common country. They rejoice, therefore, that the great body of the people of the non-slaveholding states have come forward, as they have done, in the true spirit of American patriotism, to sustain their constitutional obligations to their southern brethren, and to arrest the disturbance of the public peace. They rejoice particularly, that the federal legislature, acting under a deep sense of its responsibility to the nation, has also interposed its warning voice, and given a solemn expression of its judgment upon this exciting subject; and they feel assured, that as the representatives have responded to the people, so the people will firmly and patriotically sustain the position now taken by their representatives.

As moderation is essential to the discovery of truth, your committee will carefully abstain from every thing that may cause offence, or inflame excitement, in any section of the union. But while they would make every allowance for the motives of individuals, where the objects contemplated are utterly destructive to society, they cannot too strongly express their condemnation of the conduct of the abolitionists, and their utter abhorrence of the consequences to which, if persisted in, it must inevitably lead. They feel assured that no man, or set of men, will be permitted to put the country and the government at defiance, by persevering in machinations which threaten to bring the citizens of the different states into collision, and to overthrow the whole system of civil society itself, in the slaveholding portions of the union. Your committee believe that the strength of the agitators has been greatly exaggerated, by themselves and others, but whether their number be small or great, there can be no doubt that they have done, and are doing, incalculable evil; and every true patriot must be aware that a crisis has now arrived in the political condition of the country, in which neutrality would be criminal, and in which he must determine between the suppression of abolition, and the destruction of the union, and take his stand accordingly, for or against his country.

Your committee have learned with surprise, that the reference of this subject has caused dissatisfaction in certain portions of the south. While they deeply regret this circumstance, they beg leave to remark, that it is not only abundantly justified by precedent, but in entire accordance with the established usage and invariable policy, in relation to matters of this character; memorials praying for the abolition of slavery in the states, or in the District of Columbia, having always been either referred or laid upon the table. On the present occasion, the subject was referred for the express purpose of having a report "calculated to sustain the just rights of the slaveholding states, and of the people of this District," and by allaying excitement, and repressing agitation, to insure the future repose and permanent tranquillity of the country. The house was unwilling, on the one side, to invade what was believed to be the right of petition, [a right equally dear to every portion of our people, and which, it is thought, could not have been denied in this instance, without establishing a precedent at least as hazardous to the south, as to any other section of the union]; and it was desirous, on the other to accomplish for the south, what could not have been effected by refusing to receive the memorials, the union of an overwhelming majority, in a solemn and determined stand against the views and objects of the applicants. Whilst the denial of the right of petition could have produced none other than the most mischievous effects, your committee are thoroughly satisfied that the course adopted by the house will produce a state of public opinion and feeling in the non-slaveholding states, eminently favorable to the constitutional rights and interest of the slaveholding sections of the union.

The resolution under which your committee were appointed, naturally divides itself into several branches or propositions, each of which shall be considered in its order.

They are instructed to report in the first place—

That congress possesses no constitutional authority to interfere in any way with the institution of slavery, in any of the states of this confederacy.

Your committee will merely allude to this proposition, in obedience to the express direction given them by the house, and not for the purpose of entering into any argument respecting it. Unquestionably, if there is any political or constitutional principal, which the people of the United States consider as settled beyond all possible dispute or controversy, it is that the institution of slavery, as it exists in the states of this confederacy, is municipal, not national, and that it belongs exclusively to the states, and can only be affected by state legislation. The power to regulate or act upon it, is one of the reserved powers of the states; a power which was not only not given, nor even intended to be given, by the framers of the constitution, to the general government, but which the states expressly and carefully guarded and retained to themselves, by that amendment of that instrument, (article 10), in which it is declared, that "all powers not delegated by the constitution to the United States, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

The subject of slavery in the states, then, is not an open question or matter of debate. The fact that congress possesses no authority whatever to legislate respecting it, is one that can neither be strengthened by argument, nor made clearer by discussion. And your committee consider it most fortunate for the peace of the country, that it is so. He is indeed but little acquainted with the human heart, and has derived but little advantage from the lessons of history, who can imagine for a moment, if he knows any thing of the general character, or considers the political and physical strength of the people of the south, that even if the power of legislation on this subject had been expressly conferred on congress by the constitution, it could be exercised against the consent of the states interested, without the certainty of civil war, and the probable dissolution of the union. The declaration, however, which the house has so solemnly and decisively made upon this point, cannot fail, as your committee believe, to produce the most beneficial results. As the abolitionists care little for emancipation in the District, except as the precursor of a far more extended and general scheme, the presumption is, that having now no possible hope of governmental interference with the states, and seeing the more than probable consequences of the exercise of such a power, if it were possessed, they will discontinue their machinations in relation to the District; a consummation devoutly to be wished by every patriot, in every section of the union. But be the issue what it may, the house of representatives has done its duty by placing this solemn declaration upon record. It is not only peculiarly proper in itself, considering the present state of the abolition question, but, if any justification were necessary, it is amply justified by precedent. In 1790, (and from that period to the present, the abolitionists have steadily aimed at general emancipation), several petitions, praying for the abolition of slavery in the states, having been presented and referred, the house finally adopted a resolution, amongst others, in which it announced to the petitioners, and to the country, "that congress has no authority to interfere in the emancipation of slaves, or in the treatment of them, in any of the states, it remaining with the several states alone to provide any regulations therein, which humanity or policy may require." Upon the whole, your committee consider the instruction given them by the house upon this point, rather as a decisive expression of a great fundamental principle of constitutional law, than as a call upon them to sustain a questionable position. They are aware that some members voted against the instruction upon this point, under the impression that whilst the principle asserted is unquestionable in itself, its assertion by the house, in this form, might seem to, imply doubt, and to countenance the idea that it is really debateable. In this view, the members who thus voted, may be joined perhaps by many intelligent and worthy citizens of the slaveholding states; but your committee cannot believe that the assertion, in any form, by the house of representatives, of a principle so important, and at the same time of so strong a local bearing, and particularly by a vote so nearly approaching unanimity as is recorded on its journal in favor of this instruction, can have a tendency to weaken that principle, or its binding and paramount influence upon congress and the country in all time to come. The precedent above quoted from the congress of 1790 shows that the house of representatives of that day, so far from fearing the effect of such action upon its part, sought to record its solemn conviction upon this question of power in themselves, and has handed down to us its judgment, in precise accordance with our own. That house was largely, if not entirely, composed of men of the revolution, and many of its members are known to have been also members of the convention which formed the federal constitution. Since that period nearly half a century has rolled away, and now that the successors of that house, acting under the same consideration, solemnly re-affirm the principle laid down by those great and good men, and avow it to be not only the settled opinion of this congress, but of the great body of the people of the United States, may we not hope, and indeed conclude that it will be hereafter deemed a solemn and deliberate exposition of the constitution, and that all attempts in future to violate those sacred compromises, which lie at the very foundation of our constitutional compact, or to excite apprehension on this subject, will be effectually counteracted and defeated. Your committee cannot but indulge a most confident and animated hope that these good effects will be produced by the present action of the house.

Your committee are instructed to report, in the second place,

That, in the opinion of this house, congress ought not to interfere, in any way, with slavery in the District of Columbia.

1st. Because it would be a violation of the public faith.

To obey this instruction of the house in the manner pointed out by the resolution, it will be necessary to examine, to some extent, the relations between the federal government and the District of Columbia; the probable objects of the provision in the constitution, authorising the cession of the District to the United States; and the consequent expectations which may have been rationally entertained by the states that made the cession, as to the exercise, by congress, of the powers granted to it over the ceded territory. Before entering upon this examination, however, it may be well to remark that the powers of congress over this District involved in this discussion, are wholly independent of, and derived from a source entirely separate from, the general legislative powers granted to congress by the constitution. As the legislature of confederated states, the powers of congress are equal, and of universal application, throughout all the states, and they were given to congress before the cession of the District, and were held and exercised independently thereof. This will be made manifest by a brief statement of facts. The first congress, under the constitution, assembled on the 4th of March, 1789, and the government provided for by the constitution was organized on that day. The general powers conferred on the different branches of the federal government were exercised from that day forward; and the union of the states, under constitutional government, was then perfected and put in practical operation.

The cession from Virginia, of that portion of the District of Columbia that belonged to her, was not made until the 3d of December of that year—nine months after the federal government had been in operation;* and the cession by Maryland of that portion of the District that belonged to her, (and in which the seat of government is in fact located), was not made until the 19th day of December, 1791,†—more than two years and nine months after the existence of the government in its present constitutional form. Congress did not in fact, remove to the District thus ceded nor did the District thus ceded become practically the seat of government until the year 1800; and the laws of the states by which, the District was ceded were declared, by an act of congress of the 16th July, 1790,‡ "to be in force within the District until the removal of the government to it, and until congress shall otherwise by law direct."

It appears, then, that the federal government was n operation under the constitution nearly a year before congress possessed any power of local legislation over any portion of the District of Columbia, and nearly three years before that power became as extensive as the present bounds of the District, or included that portion of the ten miles square in which the seat of government is in fact located. It also appears, that the first act of the federal legislature in reference to its jurisdiction then partly acquired, and partly to be acquired, was to provide for the continuance, in all their force, and in every particular, within the District, of the laws of the states that made the cession, until December, 1800; a period of nine years after the time when the powers of congress, as a local legislature for the District, were perfected by the state of Maryland. Nor is this all: by the act of 1790 it was declared, as has been already shown, that the laws of Maryland and Virginia should be the laws of the District, not only "until the time fixed for the removal of the government thereto," but also "until congress shall otherwise provide by law." No alteration, however, to any considerable extent has yet been made, and the laws of Virginia and Maryland which were in force at the time of their respective, cessions, and in force respectively in the portions of the District ceded by each, still continue to be, in almost every particular, the local laws of the District of Columbia.

Such are the relations at present existing between the federal government and the District, so far as local legislation is concerned. The powers of congress, as the local legislature of the District, were derived from the cessions by Virginia and Maryland, and the special grant of exclusive legislation, and not from the general powers conferred upon it by the constitution; and these special and local powers which congress has now possessed for nearly half a century, have been exercised only to the extent above described; and, from the best information your committee have been able to obtain, to no other or greater extent.

The right of congress to accept the cession of this territory from the states of Virginia and Maryland, is found in the eighth section of the first article of the constitution of the United States, which gives it power "to exercise exclusive legislation in all cases whatsoever over such District, not exceeding ten miles square, as may by cession of particular states and the acceptance of congress, become the seat of government of the U. States;" and the purpose for which the cession was to be made and received, is declared in the language of the constitution itself, "such District as may become the seat of government of the United States." The cession, therefore, was to be made for this purpose, and for no other; and as regards its use by the federal government, the object of this provision evidently was simply to authorise congress to accept the grant, and to exercise the powers of legislation therein provided for.

It will be conceded by the committee, for the purpose of this report, that the cession was made in conformity with the power of congress to receive, and that, therefore, by the cession from Virginia and Maryland, congress is in possession of the powers which the constitution intended it should possess over the district intended to be ceded.

This brings us to the inquiry, as to the probable objects of the grant of "exclusive legislation in all cases whatsoever," over the territory which was to constitute the seat of government of the United States. In consulting the commentators upon the constitution, it will be found that the old congress encountered inconveniences and even dangers, from holding their sessions where state legislatures had exclusive local jurisdiction, and where state authorities alone were to be depended on in matters of police and personal protection. Indeed, an adjournment of that congress from the state of Pennsylvania to New Jersey, for a cause of this description, which occurred at the close of the revolutionary war, no doubt contributed greatly to the introduction of this clause into the constitution of the union. The proceedings of the old congress show distinctly, that the acquirement of a territory for the seat of the federal legislature, over which it should have exclusive or special jurisdiction, was a favorite idea with that body, as early as the year 1783, and that it continued up to the time of the formation of the constitution.

Upon this point your committee will only detain the house with a few of the resolutions adopted by the old congress that go to establish it. On the 7th of October, 1783, a resolution was passed, "that buildings for the use of congress be erected on or near the banks of the Delaware,* provided a suitable district can be procured on or near the banks of the said river for a federal town, and that the right of soil, and exclusive, or such other jurisdiction as congress may direct, shall be vested in the United States." On the 21st of the same month (October, 1783), another resolution was passed, preceded by a preamble as follows: "Whereas there is reason to expect that the providing buildings for the alternate residence of congress in two places will be productive of the most salutary effects, by securing the mutual confidence and affections of the states, *Resolved*, that buildings be provided for the use of congress at or near the lower falls of the Potomac,† or Georgetown, provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil, and an exclusive jurisdiction, or such other as congress may direct shall be vested in the United States."

On the 20th of December, 1784, the old congress passed, among others, the following resolutions:

"*Resolved*, That it is expedient that congress proceed to take measures for procuring suitable buildings to be erected for their accommodation.

"*Resolved*, That it is inexpedient for congress, at this time, to erect public buildings for their accommodation at more than one place."

These resolutions by the continental congress, as to the expediency and necessity for a territory for the seat of the federal government, over which it should have peculiar if not exclusive jurisdiction, are produced to show the origin of the provision in the constitution upon that subject, and the object for which the acquisition of such a territory was desired. That object, beyond all question was to secure a seat for the federal government, where the power of self-protection should be ample and complete, and where it might be exercised without collision or conflict with the legislative powers of any of the states, so far as its exercise should be required for the great national purposes for which the peculiar or exclusive jurisdiction was sought to be obtained. The jurisdiction was made exclusive, not as your committee believe, and as they think every considerate citizen will admit, to change the object of the grant of the jurisdiction when it should be made, but to secure that object more effectually by making the federal government independent of state interference, and of state protection, within the district where it was to be located, and where its deliberations should be held.

Had the legislative power of congress over this District not been made exclusive, one of the great and wise objects intended to be secured, the prevention of conflict between federal and state legislation, would have been necessarily defeated. Every statesman will admit the extreme inconvenience and danger of granting powers of legislation of the same character, and to be exercised within the same territory (powers of local and municipal legislation), to two distinct and independent legislative bodies; and the extreme difficulty, if not impossibility, of so defining the portions of power to be exercised by each, as to prevent constant conflict and collision. This must have been the result, if any division of the powers of local legislation, within the District of Columbia, had been made between congress and the states by which the territory was ceded to the United States. Congress required all that power which, through all time, would be indispensably necessary for its own protection, and also to render all the departments of the federal government independent of state authority, and entirely dependent on, and obedient to, the federal legislature, and it alone, in all matters of police or municipal legislation. The adoption of the federal constitution by the people of the several states with this provision in it, shows that the attainment of these objects was considered of paramount importance; and hence, in the judgment of your committee, the power in question was made exclusive.

*Laws District of Columbia, p. 59.
†Laws District of Columbia, p. 64.
‡Laws United States, vol. ii. p. 113.

*Journals of old congress, vol. iv. p. 288.
†Journals of old congress, p. 299.

Assuming the correctness of these premises, the next inquiry is, what expectations were the states by which the District was ceded, as well as their sister states, authorised to entertain as to the exercise by congress of the legislative powers derived from these cessions? The cessions included not only a portion of the territory of those states, but also a portion of their citizens. To secure the great national objects intended by the cession, the jurisdiction of the states over those citizens, as well as over the territory of the District, was transferred to the federal legislature. This transfer, from the necessity of the case, abridged the rights of the citizens within the territory, who had been formerly entitled to vote for their legislators and other rulers, by subjecting them to a government composed of persons in whose election they were to have no choice. Their governance, however, was confided to those entrusted with the common government of all the states; and when we reflect upon the confidence reposed in congress by the states that made the transfer, and by the citizens transferred, it accounts at once for the readiness with which the cession was effected. Still, the question recurs, what expectations might reasonably be entertained by the states making the cession, by the other states of the confederacy, so far as their interests were directly or indirectly involved, and by the citizens thus placed under the peculiar care of congress, as to its exercise of the powers conferred upon it by this cession of territories for a seat of the federal government?

Your committee have no hesitation to say, in answer to this inquiry, that those expectations, by all the parties interested, not only might, but must have been, that congress would exercise the powers conferred, so far as their exercise should be found necessary for the great national objects of the cession, with strict reference to the accomplishment of those objects, and that all other powers conferred by the cession would be exercised with an equally strict reference to the interests and welfare of the inhabitants of the District—those citizens of two free states who had been made dependent on congress for their local legislation, for the protection of life, liberty and property—rights guarantied by the constitution to all the citizens of the confederacy—in order that a seat for the federal government, subject to the exclusive control of congress, might be granted to it. If these positions are correct, it follows necessarily that the institutions, the customs, the rights, the property, and every other incident pertaining to those citizens, and municipal in its character, which they enjoyed as citizens of the states to which they belonged before the cession of the District, and which did not then, and have not yet, interfered with the great national rights and privileges intended to be secured by the cession, should have been hitherto, and should be in all time to come, guarded and preserved with the same paternal care and kindness with which the legislatures of the states, to which they belonged would have guarded and protected them if they had continued to be intrusted to their respective jurisdictions.

Your committee rely confidently upon this as the great rule for the faithful action of congress in reference to this subject. They feel assured that no rational man will differ with them. Two questions, then, remain to be considered, to determine whether congress should or should not attempt to interfere with slavery in the District of Columbia, viz:

1. Do the great national objects which were intended to be secured to the federal government by the cession of the territory require such action on the part of congress?

Your committee will make no argument upon so plain a proposition. No individual within their knowledge, not even the most deluded fanatic, has ever asked, or attempted to justify, a measure of this description upon such a pretext. The security and independence of congress, from the moment of its removal to this District to the present hour, have been as perfect as the framers of the constitution could have desired. No intimation has ever been heard that the existence of slavery in the District of Columbia has ever produced the slightest danger or inconvenience either to the interests or to the officers of the federal government within it. Surely, then, congress cannot be called upon to interfere with that institution within the District as one of its duties growing out of the national objects connected with the cession; and if such interference is demanded from it, the demand must grow out of its relations to the District as a local legislature. This brings the committee to the remaining question.

2. Would the states of Maryland and Virginia, if the cession of this territory to the federal government had not been made, from any thing which has been shown to congress, be induced to interfere with, or abolish, the institution of domestic slavery within it?

At the time of the cession from those states, slavery existed in every portion of their territory, in the same degree, and subject to the same laws and regulations by which it was authorised and regulated in the territory ceded to the federal government. It still exists in those states, without any material variation or modification of their laws respecting it. As those states, then, have not abolished it within the territories remaining under their jurisdiction, is it reasonable to suppose that they would have abolished it in the territory comprising the District, had they continued to retain their original jurisdiction over it? Can any reason whatever be given for the abolition of slavery in this particular District, which does not apply with equal force to every other slaveholding section of the country? Can any cause be shown why the states of Maryland and Virginia would have abolished, or would now abolish, slavery in this District, had it continued to form a part of those states respectively, which would not have warranted or produced general abolition throughout those states? Most unquestionably not! As those states, then, have not abolished slavery in the residue of their territory, it is evident that they would not have abolished it in the District of Columbia, if it had continued subject to their action. It follows conclusively, therefore, that congress, as the local legislature of the District, and acting independently of the national considerations connected with its powers over it, is bound, for the preservation of the public faith, and the rights of all the parties interested, to act upon the same reasons, and to exercise the same paternal regard, which would have governed the states by which the District was ceded to the federal government. And it is unnecessary to add, that congress has acted wisely in treating the institutions found in existence at the time of the cession, as the institutions of the people of the District; in continuing their laws and customs, as the laws and customs to which they had been used, and which should never be altered, or interfered with, except where the people themselves may be desirous of a change.

Your committee must go farther, and express their full conviction, that any interference by congress with the private interestes or rights of the citizens of this District without their consent, would be a breach of the faith reposed in the federal government by the states that made the cession, and as violent an infraction of private rights as it would have been if those states themselves, supposing their jurisdiction had remained unimpaired over their territory, had abolished slavery within those portions of their respective limits, and had continued its existence, upon its present basis, in every other portion of them. And surely there is no citizen in any quarter of the country, who has the smallest regard for our laws and institutions, state and national, or for equal justice, and an equality of rights and privileges among citizens entitled to it, who would attempt to justify such an outrage on the part of those states. The question then is, are the citizens of the District desirous of a change themselves? Has any request or movement been made by them that would justify an interference with their private rights on the part of congress? None, whatever! The citizens of the District not only have not solicited any action on the part of congress, but it is well known that they earnestly deprecate such action, and regard, with abhorrence, the efforts that are made by others, who have no interest whatever in the District, to effect it. It is impossible, therefore, that any such interference on the part of congress could be justified or even palliated, on the ground that it was sought or desired by those who are alone interested in the subject. If, therefore, congress were to interfere with this description of property against the consent of the people of the District, your committee feel bound to say, that it would be as gross a breach of the public faith, and as outrageous an infraction of private rights, as it would have been if such an interference had been committed by the states of which the District was formerly a part, supposing that it never had been ceded to the United States.

Your committee will here anticipate an objection which may be urged against this reasoning and these conclusions. They have shown that the powers of congress over this District divide themselves into two classes, national and local; that in reference to the former, the action of congress should be governed by the interest of the whole country, so far as they are connected with the branches of the federal government located within the District; that in reference to the latter, its powers are and its action should be, those of a local and municipal legislature, extending its paternal care and protection over the citizens dependent upon, and subjected to, this branch of its authority; that in the exercise of its powers, the safest stand in reference to slavery is, what would the states to which the District originally belonged, and of which its citizens were originally citizens, have done in case their jurisdiction had never been transferred to congress; and that those states would certainly not have interfered with the institution of slavery in the District, had the power to do so remained with them. The objection anticipated is, that the states in question have pursued an unwise policy as to themselves, and that their having done so should not have bound congress, as the local legislature of the District, to a similar policy in relation to its government. To this, however, your committee consider it perfectly conclusive to reply, that under our institutions, that people is the best governed, which is governed most in accordance with its own habits, interests and wishes, that the policy hitherto pursued by congress in reference to slavery within the District, your committee have every reason to believe, has been in perfect conformity with the wishes and interests of the citizens concerned; and that it will be time enough for congress, acting as the local legislature of the District, and in that capacity bound to consult the governed, as the regulator of its action, to move in any matter relating to their private interests and rights when they themselves shall ask such movement.

There is another consideration connected with this part of the argument, which your committee think worthy of attention. It is this: that there is no law in the District prohibiting the master from manumitting his slaves, which he may do at his own discretion, and without incurring any responsibility whatever. Certain it is that no such law has been passed by

congress. The citizens of the District, therefore, have no necessity for the aid of congress, should they wish the abolition of slavery among them. They have only to exercise an existing right, and their wish will be accomplished. Can their be more decisive evidence, then, that they do not wish the abolition of slavery, than that it continues to exist among them? or can any one desire more conclusive proof that any attempt by congress to effect this object by the force of law would be an interference with the rights of private property, against the wishes and consent of those concerned, and for none of the purposes for which congress is authorised by the constitution to take private property for public use?

Hence, your committee believe they have proved, beyond the power of contradiction, that an interference by congress with slavery in the District of Columbia would be a violation of the public faith—of the faith reposed in congress by the states which ceded the territory to the federal government, so far as the rights and interests of those citizens residing within the ceded territory are concerned.

Your committee will now consider this proposition in reference to the interests of the states of Maryland and Virginia. They were slaveholding states at the time they made their cession, and they are so still. They entirely surround this District, from which they are only separated upon all sides by imaginary lines. They made the cession for the great national objects which have been already pointed out, and they made it from motives of patriotism alone, and without any compensation from the federal government for the surrender of jurisdiction over commanding positions in both states. The surrender was made for purposes deemed sufficiently important by all the original states, to be provided for in the constitution of the United States; and it was made in conformity with that provision of the constitution. It is surely unnecessary, after this statement of facts, to undertake to show that those patriotic states made this cession, for the purpose of good to the union, and consequently to themselves, and not for purposes of evil to themselves, and consequently to the union, and that the government of the United States accepted the cession for the same good and not for evil, purposes.

If, then, it can be demonstrated that the abolition of slavery in the District of Columbia would produce evil, and not good to the states that made the cession, the conclusion is inevitable that such an act on the part of congress would be a violation of the faith reposed in it by those states. To all to whom this is not perfectly palpable without an argument, the following considerations are presented:

It has been already stated that the states of Maryland and Virginia surround the District. It has also been showed that, in reference to slavery within the District, the relations of congress are entirely those of a local legislature, and that its action therefore, in this capacity, should be governed by the same reasons which would have governed those states themselves in relation to this subject, if their jurisdiction over this territory had never been surrendered. Let us suppose, then, that this jurisdiction had never been surrendered by Maryland and Virginia, and that it was now proposed that they should abolish slavery, and relinquish all power of legislation over free blacks, within the portions of those states which constitute the District of Columbia, retaining their respective institutions of slavery in all the remaining portions of their territory. Who is there that would not be amazed at the folly of such an act? Who does not see that such a step would necessarily produce discontent and insurrections in the remaining portions of those states?

Who does not perceive that under such circumstance the District would constitute at once a neutral ground, upon which hosts of free blacks, fugitive slaves and incendiaries, would be assembled in the work of general abolitionism; and that from such a magazine of evil, every conceivable mischief would be spread through the surrounding country, with almost the rapidity of the movements of the atmosphere? Surely no one can doubt the certainty of the consequential evils in the case supposed. How then can any doubt or deny the dangers in the case before us? The territory is the same; it is surrounded by the same portions of slaveholding states, and the only difference is, that in the case supposed, the abolition would be the work of state authorities, while, in the other, it is sought to accomplish it by the authority of congress. The condition of things before and after it is done, is the same in both cases, and the opportunities for mischief, in case the work be accomplished, are equal in both. Can it be necessary to say more, to establish the position, that any interference with slavery in the District of Columbia, on the part of congress, would be a violation of the public faith, the faith reposed in congress by those states, and without which they never could have been induced to have made that cession?

It only remains under this head to show that congress could not interfere with slavery in the District of Columbia, without a violation of the public faith, in reference to the slaveholding states generally, as well as to the states of Virginia and Maryland. The provision in the constitution authorising congress to accept the cession of a territory for a seat of the federal government, and to exercise exclusive jurisdiction over it, was as general and universal as any other provision in that instrument. In its national objects all the states were equally interested, and so far as there was any danger that the powers of local legislation conferred on congress might interfere with, or injuriously affect, the institutions of the various states, each state possessed an interest proportioned to the probable danger to itself. As far as your committee know or believe, however, no apprehension of an interference on the subject of domestic slavery was entertained in any quarter, or expressed by any statesman of the day. An examination of the commentaries on the constitution will show that various apprehensions were entertained as to the powers conferred on congress, by this clause, such as that privileged classes of society might be created within the District; that a standing army, dangerous to the liberties of the country, might be organized and sustained within it, and the like; but not a suggestion can be found that, under the local powers to be conferred, any attempt would be made to interfere with the private rights of the citizens who might be embraced within the District, or to disturb, or change, directly, or by consequence, the municipal institutions of the states, or that the subject of domestic slavery, as it existed in the states, could be in any way involved in the proposed cession. At that time, all the states held slaves. Many of them have since, by their own independent action, without influence or interference from the federal government, or from their sister states, effected, in their own time and way, the work of emancipation; others of the original states, remain as they were at the time of the adoption of the constitution, in reference to this description of property, and several new members have been admitted into the union as slaveholding states. All the states which have held, or now hold, slave property, have invariably considered the institution as one exclusively subject to state authority, and not to be affected, directly or indirectly, by federal interference. The practice of the government, as well as its theory, has established this doctrine, and the action of the states, in retaining or abolishing the institution at pleasure, has conformed entirely to this principle—now the subject of federal interference has become one of some agitation, and congress is solicited to adopt measures in relation to the District of Columbia, which have been shown to be most dangerous and destructive to the security and interests of the two slaveholding states by which it was ceded to the federal government. Your committee will not trouble the house to prove that any measure of the federal legislature which would have this tendency in those two states, would, from the very necessity of the case and the unity of the interest wherever it exists, have the same tendency, measurably, in all the other slaveholding members of the union. This position is too plain for argument. If, then, all the states were equally interested in the national objects for which this territory was ceded as the seat of the federal government; if that cession was designed by the framers of the constitution, to enure to the benefit of the whole confederacy, and was made in furtherance of that design; and if congress, contrary to the obvious intent and spirit of the cession, shall do an act not required by the national objects contemplated by it, but directly repugnant to the interests and wishes of the citizens of the ceded territory, and calculated to disturb the peace, and endanger the interest, of the slaveholding members of the union, such an act must be in violation of the public faith; of the faith reposed in congress by the states that made the cession, and which would be deeply injured by such an exercise of power under it, and also of the faith reposed in that body by all the states, inasmuch as no independent state in the union can be injured in its peace, or its rightful interests, by the action of the federal government, without a corresponding injury to every member of the confederate states.

Your committee have already shown that an interference with slavery in the District of Columbia, would involve a violation of the public faith, as regards the rights and interests of the citizens thereof. They recur to this topic, however, on account of its importance, and for the purpose of putting it in another light, and, as they consider, upon unanswerable ground. They are aware that, under the constitution,* congress possesses "exclusive legislation" over the aforesaid District; but the power of legislation was given to be exercised for beneficial purposes only, and cannot, therefore, be exercised, consistently with public faith, for any object that is at war with the great principles upon which the government itself is founded. The constitution, to be properly understood, must be taken as a whole. Wherever a particular power is granted, the extent to which it may be carried, can only be inferred from other provisions by which it may be regulated or restrained. The constitution, while it confers upon congress exclusive legislation *within* this District, does not, and could not, confer unlimited or despotic authority over it. It could confer no power contrary to the fundamental principles of the constitution itself, and the essential and unalienable rights of American citizens. The right to legislate, therefore, (to make the constitution consistent with itself), is evidently qualified by the provision that "no man shall be deprived of life, liberty or property, without due process of law,"† and various others of a similar character.

We lay it down as a rule, that no government can do any thing directly repugnant to the principles of natural justice and of the social compact. It would be totally subversive of all the purposes for which government is instituted. Vattel says: "The great end of civil society is, whatever constitutes happiness with the peaceful possession of property." No republican would tolerate that a man should be punished, by a special

*Article 1, section 8.

†Amendments to the constitution, art. 5.

statute, for an act not legally punishable at the time of its commission. No republican could approve any system of legislation by which private contracts, lawfully made, should be declared null and void, or by which the property of an individual, lawfully acquired, should be arbitrarily wrested from him by the high hand of power. But these great principles are not left for their support to the natural feelings of the human heart, or the mere general spirit of republican government. They are expressly incorporated in the constitution, and they have also been recognised, and insisted on, by the supreme court of the United States, which lays down the following sound and incontrovertible doctrine: "There are acts which the *federal* or *state legislatures cannot*, do, without exceeding their authority."

There are certain vital principles in our free republican government, which will determine and overrule an apparent and flagrant abuse of legislative power; as to authorise manifest injustice by positive law; or to take away that security for personal liberty or private property, for the protection whereof the government was established. An act of the legislature, contrary to the *great first principles of the social compact, cannot be considered a rightful exercise of legislative authority.* The obligation of a law, in governments established on express compact, and on republican principles, must be determined by the nature of the power on which it is founded. A few instances will suffice to explain. A law that punished a citizen for an innocent action, or that was in violation of an existing law; a law that destroys or impairs the obligation of the lawful private contracts of citizens; a law that makes a man a judge in his own case; or a law that takes property from A, and gives it to B. It is against all reason and justice for a people to entrust a legislature with such powers, and therefore it cannot be presumed that they have done it. The legislature may enjoin or permit, forbid or punish; they may declare new crimes, and establish rules of conduct for future cases; but they cannot change innocence into guilt, or punish innocence as a crime or violate the rights of an antecedent lawful private contract, or the rights of private property. To maintain that our *federal* or *state legislatures* possess such powers, even if they had not been expressly restrained, *would be a political heresy, altogether inadmissible in our free republican government.*"* Now, every principle here affirmed by the court, applies to, and protects, the people of this District, as well as the people of the states. The inhabitants of this District are a part of the people of the United States. Every right and interest secured by the constitution to the people of the states, is equally secured to the people of the District. Congress can therefore do no act affecting property or person, in relation to this District, which it is prohibited to do in relation to the citizens of the states, without a direct violation of the public faith. For instance, it is a well settled constitutional principle, that "private property shall not be taken for public use, without just compensation." Now, the true meaning of this provision obviously is, that private property shall be taken only for public use, but shall not be taken, even then, without adequate remuneration.

It is evident, however, in reference to slavery, either that the government would use the slaves, or that it would not. If it would use them, then they would not be emancipated; and it would be an idle mockery to talk of the freedom of those who would only cease to be private, to become public slaves. If it would not use them, then how could it be said that they were taken for the public use, consistently with the provision just recited? But even if they could be taken without reference to public use, they could not be taken without just compensation. It is exceedingly questionable, however, whether congress could legally apply the public revenue to such an object, even with the consent of the owners of the slaves. As to emancipation without their consent, and without just compensation, your committee will not stop to consider it. It could not bear examination. Honor, humanity, policy, all forbid it. It is manifest, then, from all the considerations herein stated, (and there are others equally forcible that might be urged) that congress could not abolish slavery in the District of Columbia, without a violation of the public faith.

Your committee will only add one or two reflections upon this interesting point.

What is the meaning of the declaration adopted by the house, in relation to the District of Columbia? Is it not, that congress cannot, and will not, do an act which it has solemnly proclaimed to involve a violation of the public faith? Does it not afford every security to the south which it is in the power of the federal government to afford? Is it not tantamount in its *binding obligation upon the government*, to a positive declaration, that the abolition of slavery in the District of Columbia would be unconstitutional? Nay, is it not even more *efficacious in point of fact?* Constitutional provisions are matters of construction. The opinion of one house, upon an abstract controverted point may be overruled and reversed by another. But when congress has solemnly declared *that a particular act would be a violation of the public faith*, is it to be supposed that it would ever violate a pledge thus given to the country? Can any abolitionist expect it? Need any citizen of a slave state fear it? What is public faith but the honor of the government? Why are treaties regarded as sacred and inviolable? Why but because they involve the pledge, and depend upon the sanctity of the national faith? Why are all compacts or promises made by governments held to be irrevocably binding? Why, but because they cannot break them without committing perfidy, and destroying all confidence in their justice and integrity? Surely then, your committee may say with the utmost confidence, (and the sentiments will be ratified by every American heart) that the declaration now promulgated in relation to this subject, will not be departed from by any succeeding legislature, except under circumstances (should any such ever arise in the progress of our country) in which a departure from it would not be regarded by the slaveholding states themselves, as a wanton or arbitrary infraction of the public faith!

Your committee are further instructed to report, that, in the opinion of this house, congress ought not to interfere in any way with slavery in the District of Columbia—

2dly. Becase it would be unwise and impolitic!

It will be palpable to the minds of all, that if the committee have succeeded in establishing, as they think they have, that any such interference on the part of congress would be a violation of the public faith, it would be a work of supererogation to attempt to show, that such an act would be unwise and impolitic: as there may be some, however, who may not agree with them in their arguments or conclusions upon that point, they feel bound, under the instruction of the house, to offer a few suggestions under this head.

The federal government was the creation of the states of the confederacy, and the great objects of its creation and organization "were to form a more perfect union, establish justice, insure domestic tranquillity and provide for the common defence and general welfare."

Apply these principles, then, to an interference by congress with slavery in the District of Columbia. Such action, to be politic, must be in accordance with some one of those great objects; and it will be the duty of the committee, in as concise a manner as possible, to show that it would not be in accordance with either of them.

First, then, as to the District itself.

It has already been shown, that any interference, unsolicited by the inhabitants of the District, cannot "establish justice," or promote the cause of justice within it, but directly the reverse. No greater degree of slavery exists here now, than did exist when the constitution was adopted, and then the inhabitants of the District were citizens of the states of Maryland and Virginia, and had a voice in the adoption of that instrument. Surely their subsequent transfer to the jurisdiction of congress, made in conformity with that constitution, could not deprive them of the protection to which they were entitled by these great leading principles of it. On the contrary, they had every right to expect that congress would "establish justice," as to them, in strict compliance with the great charter under which it acted, and by which it is forbidden to interfere with the rights of private property, without their consent, or in any way to affect, injuriously, their domestic institutions. Of those institutions, slavery was, and is, the most important; and any attempt on the part of congress, acting as the local legislature of the District, to abolish it, would not only be impolitic, but an act of gross injustice and oppression.

Secondly, as to the states of the union. Here again your committee have but to refer to their former remarks, to show that the abolition of slavery in the District would not establish justice, but work great injustice to the surrounding states in particular, and to all the slave states in general, and in a degree proportioned to their proximity to the District, and to the influence upon the institution of slavery in the union of such action on the part of congress. They have also shown that the abolition of slavery here, so far from tending to "ensure domestic tranquillity," would have a direct tendency to produce domestic discord and violence, and servile war, in all the slaveholding states. As these consequences, then, would follow such action, in reference to the states, your committee need not say, that, instead of providing for "the common defence *by it*," congress would be called upon to provide for the "common defence," *in consequence of it*, and to an extent which cannot now be foreseen. Seeing, then, that the American confederacy was formed for the great objects of providing for "the common defence and general welfare," it follows, necessarily that congress is not only restrained from the commission of any act by which these objects may be frustrated, but that it is bound to sustain and promote them. The same provision of the constitution* which requires it to call out the militia to "suppress insurrections," unquestionably imposes the corresponding obligation upon it, to commit no act by which an insurrectionary spirit may be excited. The same provision which enjoins it on the federal government to "guaranty to each state a republican form of government, and to aid and protect each state against domestic violence,"† evidently implies the correlative obligation to take no step of which the direct and inevitable tendency would be to overthrow the state governments, and to involve them in wide spread scenes of misery and desolation. In one word if it be the duty of congress, as it most clearly is, to support and preserve the constitution and the union, then it is manifest, that it is bound to avoid the adoption of any legislation which may lead to their destruction. Your committee consider these positions too obvious to require argument or illustration. They consider it equally manifest, that any attempt to abolish slavery in the District,

*Dallas' rep. vol. 3, p. 388.

*Con. art. 1, sec. 8.

†Art. 4, sec. 4.

would necessarily tend to the deplorable consequences to which they have adverted. Congress, therefore, is bound, by every principle of duty which forbids it to interfere with slavery in any of the states, to abstain from any similar interference in the District of Columbia.

Your committee have already adverted to the evils that would necessarily result to the surrounding states and to the slave states generally, from any interference by congress with the institution of slavery in the District of Columbia. The nature and magnitude of those evils, however, require that they should be exhibited more fully and distinctly. The question is, whether slavery ought to be abolished in the District of Columbia? Now suppose the affirmative of this proposition were sustained by congress, what would it be but indirect legislation, or rather direct interference, as regards the rights and property of the southern states. And can any one imagine that such a state of things would be patiently borne! But this is not all; nay, it is not half the evil that would follow. Could slavery be abolished in the District without leading directly and inevitably to insubordination and revolt throughout the south? And can any one desire to produce such results? Is there a man who has forgotten the history of St. Domingo, or the insurgent attempt at Charleston, or the tragical scenes at Southampton! or the recent and lamentable occurrences in the states of Louisiana and Mississippi? or is there an individual who would wish them repeated and extended throughout the entire region of the south? Why, then, will infatuated individuals persist in pressing a scheme, which is not only impracticable, as regards the states, but fraught with evil to the very objects it is proposed to benefit? True philanthropy would avoid this subject, seeing the distraction it creates, and the dreadful consequences it involves.

It would leave it to those whom it most concerns, and who alone are competent to act upon it. It would trust to time and to the gradual operation of causes which may arise of themselves, but which can neither be produced nor hastened by foreign interference, or the power of this government. Why, then, your committee earnestly repeat, why urge a measure which is clearly impracticable in itself, which none but the slaveholding states have a right to act on, and which has increased, and will always increase, the hardships and restraints of those for whose imaginary benefit they are waging this cruel and fanatical crusade?

We have said that the scheme of general emancipation is impracticable. The slightest reflection must satisfy every candid mind of the truth of this assertion.

Admitting that the federal government had a right to act upon this matter, which it clearly has not, it certainly never could achieve such an operation without full compensation to the owners. And what would probably be the amount required! The aggregate value of all that species of property is not less probably than four hundred millions of dollars! And how could such an amount be raised? Will the people of this country ever consent to the imposition of oppressive taxes, that the proceeds may be applied to the purchase of slaves? The idea is preposterous; and not only that, but it is susceptible of demonstration, that even if an annual appropriation of ten millions were actually applied to the purchase and transportation of slaves, the whole number would not be sensibly diminished at the expiration of half a century, from the natural growth and multiplication of the race. Burthen the treasury as we might, it would still be an endless expense and an interminable work. And this view of the subject surely is sufficient of itself to prove, that of all the schemes ever projected by fanaticism, the idea of universal emancipation is the most visionary and impracticable.

But even if the scheme were practicable, what would be gained by effecting it? Suppose that congress could emancipate all the slaves in the union, is such a result desirable? This question is addressed to the sober sense of the people of America. Would it be politic or advantageous? Would it contribute to the wealth or grandeur or happiness of our country? On the contrary, would it not produce consequences directly the reverse? Are not the slaves unfit for freedom; notoriously ignorant, servile and depraved? and would any rational man have them instantaneously transformed into freemen, with all the rights and privileges of American citizens? Are they capable of understanding correctly the nature of our government, or exercising judiciously a single political right or privilege. Nay, would they even be capable of earning their own livelihood, or rearing their families independently by their own ingenuity and industry! What then would follow from their liberation, but the most deplorable state of society with which any civilized country was ever cursed?

How would vice and immorality and licentiousness overrun the land? How many jails and penitentiaries, that now seldom hold a prisoner, would be crowded to suffocation? How many fertile fields, that now yield regular and abundant harvests, would lie unoccupied and desolate? How would the foreign commerce of the south decline and disappear? How many thousands of seamen, of whom southern agriculture is the very life, would be driven for support to foreign countries? And how large a portion of the federal revenue, derived from foreign commodities exchanged for southern products, would be lost forever to this government? And, in addition to all this, what would be the condition of southern society, were all the slaves emancipated? Would the whites consent that the blacks should be placed upon a full footing of equality with them? Unquestionably not! Either the one class or the other would be forced to emigrate, and, in either case, the whole region of the south would be a scene of poverty and ruin. Or, what is still more probable, the blacks would every where be driven before the whites, as the Indians have been, until they were exterminated from the earth. And surely it is unnecessary to remark, that decay and desolation could not break down the south, without producing a corresponding depression upon the wealth and enterprise of the northern states. And here let us ask, too, what would be the condition of the non-slaveholding states, themselves, as regards the blacks? Are they prepared to receive myriads of negroes, and place them upon an equality with the free white laborers and mechanics, who constitute their pride and strength? Will the new states consent that their territory shall be occupied by negroes, instead of the enterprising, intelligent and patriotic white population, which is daily seeking their borders from other portions of the union? Shall the yeomanry of those states be surrounded by thousands of such beings, and the white laborer forced into competition and association with them? Are they to enjoy the same civil and political privileges as the free white citizen of the north and west, and to be admitted into the social circle as their friends and companions? Nothing less than all this will constitute perfect freedom, and the principles now maintained by those who advocate emancipation would, if carried out, necessarily produce this state of things. Yet, who believes that it would be tolerated for a moment? Already have laws been passed in several of the non-slaveholding states to exclude free blacks from a settlement within their limits, and a prospect of general and immediate abolition would compel them, in self-defence to resort to a system of measures much more rigorous and effective than any which have yet been adopted. Driven from the south then, the black would find no place of refuge in the north; and as before remarked, utter extermination would be the probable, if not the inevitable, fate of the whole race. Where is the citizen, then, that can desire such results? Where the American who can contemplate them without emotion? Where the abolitionist that will not pause, in view of the direful consequences of his scheme, both to the whites and the blacks, to the north and the south, and to the whole union at large?

Your committee deem it their duty to say that, in their opinion, the people of the south have been very unjustly censured in reference to slavery. It is not their purpose, however, to defend them. Their character, as men and citizens, needs no vindication from us. Wherever it is known it speaks for itself, nor would any wantonly traduce it, but those assassins of reputation, who are also willing to be the destroyers of life. Exaggerated pictures have been drawn of the hardships of the slave, and every effort made to malign the south, and to enlist against it both the religious and political feeling of the north. Your committee cannot too strongly express their unanimous and unqualified disapprobation of all such movements. The constitution, under which we live, was framed by our common ancestors, to preserve the liberty and independence achieved by their united efforts in the council and the field. In all our contests with foreign enemies, the south has exhibited an unwavering attachment to the common cause. Where is the spot of which Americans are prouder than the plains of Yorktown? Or, when was Britain more humbled, or America more honored, than by the victory of New Orleans! All our history, from the revolution down, attests the high and uniform and devoted patriotism of the south. Her domestic institutions are her own. They were brought into the union with her, and secured by the compact which makes us one people, and he who would sow dissensions among members of the same great political family, by assailing the institutions, and impugning the character of the citizens of the south, should be regarded as an enemy to the peace and prosperity of our common country.

If there is a feature by which the present age may be said to be characterized, it is that siekly sentimentality which, disregarding the pressing claims and wants of its own immediate neighborhood or town or state, wastes and dissipates itself in visionary, and often very mischievous, enterprises, for the imaginary benefit of remote communities. True philanthropy, rightly understood and properly applied, is one of the purest and most enobling principles of our nature; but, misdirected or perverted, it degenerates into that fell spirit of fanaticism which disregards all ties, and tramples on all obstables however sacred or venerable, in the relentless prosecution of its horrid purposes. Experience proves, however, that, when individuals in one place, mistaking the true character of benevolence, rashly undertake, at the imminent hazard of conflict and convulsion, to remedy what they are pleased to consider evils and distresses in another, it is naturally regarded by those who are thus injured, either as a species of madness which may be repelled or resisted, as any other madness may, or as manifesting a feeling of hostility on the one side, which must necessarily produce corresponding alienation on the other. It is all important, therefore, that the spirit of abolition, or in other words, of illegal and officious interference with the domestic institutions of the south, should be arrested and put down; and men of intelligence and influence at the north should endeavor to produce that sound and rational state of public opinion which is equally due to the south and to the preservation of the union.

And this brings your committee to the last position they have been instructed to sustain; and that is, that, in the opinion of this house, congress ought not to interfere, in any way, with slavery in the District of Columbia.

3dly. Because it would be dangerous to the union.

The first great object enumerated in the constitution, as an inducement to its adoption, was to "form a more perfect union." At that time all the states held slaves, to a greater or less extent; and slavery in the states was fully recognized and provided for, in many particulars, in that instrument itself. It was recognized, however, and all the provisions upon the subject so regarded it, as a state, and not a national institution. At that time, too, as has been before remarked, the District of Columbia constituted an integral part of two of the independent states which became parties to the confederacy and to the constitution itself. Since that time an entire emancipation of slaves has taken place in several of the old states; but in all cases this has been the work of the states themselves, without any interference whatever by the federal government. New states have also been admitted into the union, with an interdiction in their constitutions against involuntary servitude. In this way, the slave states have become a minority in representation in the federal legislature. Their interests, however, as states, in the institution of domestic slavery, as it exists within their limits, have not diminished, nor has their right to perfect security under the constitution, in reference to this description of property, been in any way, or to any degree, surrendered or impaired, since the adoption of that instrument by themselves and their sister states.

The operation of causes to a great extent natural, and proceeding from climate, soil and consequent production has rendered slavery a local and sectional institution, and has thus added another to the most alarming apprehensions of patriots for the perpetuity of this union—the apprehension of local and geographical interests and distinctions. How immensely important is it then, that congress should do no act, and assume no jurisdiction, in reference to this great interest by which it shall ever appear to place itself in the attitude of a local instead of a national tribunal—a partial agent, providing for peculiar and sectional objects and feelings, instead of a general and paternal legislature equally and impartially promoting the general welfare of all the states. No one can fail to see that any other course on the part of congress, must weaken the confidence of the injured states, in the federal authority, and, to the same extent, prove "dangerous to the union."

Since the adoption of the federal constitution, the District of Columbia has been ceded to the United States as a seat of the federal government; but not only many eminent statesmen of the country, but all of the slaveholding states, speaking through their legislative assemblies, firmly believe and insist that the cession so made has conferred upon congress no constitutional power to abolish slavery within the ceded territory. Your committee have abstained from an examination of this question, because they were not instructed to discuss it. But they have no hesitation to say, that in the view they have taken of the whole question the obligations of congress not to act on this subject are as fully binding and insuperable as a positive constitutional interdict, or an open acknowledgment of want of power.

Considering the subject in this light, your committee have already proved, that any interference by congress with the subject of slavery, would be evidently calculated to injure the interests and disturb the peace of the slaveholding states; and if they have succeeded in establishing this position, no argument is necessary to show, that such consequences, springing from the action of congress as the local legislature of the District, would eminently endanger the existence of this union. It has also been shown, that congress, as the legislature of the union, can have no constitutional power over this subject; and that its powers, as a local legislature of the District, were granted for the mere purpose of rendering its general powers perfect and free from conflict and collision with state authorities. It has also been shown that these local powers should be so exercised as to confer the greatest benefits upon the citizens residing within the District, with the least possible injury to the peculiar interest of any state, or the general interests of all the states.

Your committee have also shown, as they think successfully, that the abolition of slavery in the District of Columbia would be a deep injury to the citizens of the District, and, therefore, a violation of the trust reposed in congress as the local legislature of the District; and, also, that it would inflict an incurable injury upon all the slaveholding states, and would, therefore, be an equal violation of the trust reposed in that body as the legislature of the union. If, then, they have established these positions, as they think they have, can any one doubt that the action contemplated would be "dangerous to the union?" being directly calculated, as it would be, to weaken the confidence of the District in congress as a safe and faithful local legislature, and the confidence of the slaveholding states as an impartial guardian of their interests.

Important as the union is to each state, and to the whole American people, every one will admit that, as far as possible, strict impartiality and kind feelings to all the interests and all the sections of the country should characterize the action of the federal government. The union was formed for the common and equal benefit of all the states, and for the perfect and equal protection of the rights and interests of all the citizens of all the states. Its only strength is in the confidence of the states, and of the people, that these great benefits will continue to be secured to them, and that these great purposes will be accomplished by its preservation. Any action, therefore, on the part of congress, which shall weaken or destroy that confidence in any portion of our citizens, or in any state of the union, must inevitably, to that extent, endanger the union itself! Who can doubt this reasoning?—Who does not know that the agitation of any question connected with domestic slavery, as it exists in this country, among any portion of our citizens, creates apprehension and excitement in the slaveholding states? Who does not know that the agitation of any such question in either branch of congress, shakes their confidence in the security of their most important interests, and consequently, in the continuance to them of those great benefits, to secure which they became parties to the union? Who then does not believe that any action by congress, having for its object the abolition of slavery in any portion of the union, however narrow or limited it may be, would necessarily impair the confidence of the slaveholding states in their security in relation to this description of property, put an end to all their hope of benefits to be derived to them from the further continuance of the union, and alienate their affections from it?

Were congress, in a single instance, to suffer itself to be impelled by mere feeling in one portion of the union, to attempt a gratification of that feeling at the sacrifice of the dearest interests and most sacred rights of another portion, who can doubt that the union would be seriously endangered, if not destroyed! But this conclusion does not depend upon reasoning alone. The evidences of public sentiment on this point, are equally abundant and decisive. Your committee having already extended their report beyond the limits to which they could have wished to confine it, will enter into no details upon this portion of their duty. Suffice it to say that the legislatures of several, if not all, the slaveholding states, have solemnly resolved that "congress has no constitutional authority to abolish slavery in the District of Columbia."

It would be utterly impossible, therefore, that any such attempt should be made by congress, without producing an excitement, and involving consequences, which no patriot can contemplate without the most painful emotions. It would be regarded by the slaveholding states as an entering wedge to a scheme of general emancipation, and therefore, tend to produce the same results, in relation to the federal government and the union, that would be produced by the adoption of any measure directly affecting the domestic institutions of the states themselves. Your committee will not dwell upon the picture that is thus presented to their minds. The reflection it excites is one of mingled bitterness and horror. It is one, they trust, which is never to be realized.

Looking upon their beloved country, as it now stands, the envy and admiration of the world, contemplating, as they do, that unrivalled constitution, by which a beautious family of confederated states, each independent in its own separated sphere, revolve around a federal head with all the harmony and regularity of the planetary system; and knowing as they do, that under the beneficent influence of our free institutions, the people of this country enjoy a degree of liberty, prosperity and happiness, not only unpossessed, and scarcely imagined, by any other upon earth; they cannot and will not advert to the horrors, or depict the consequences of that most awful day, when the sun of American freedom shall go down in blood, and nothing remain of this glorious republic but the bleeding, scattered and dishonored fragments. It would, indeed, be the extinction of the world's last hope and the jubilee of tyranny over all the earth!

But your committee feel, that with these painful impressions on their minds, they would but imperfectly discharge their duty if they did not make an earnest appeal to the patriotism of the American people to sustain the resolution adopted by the house. And they would also appeal to the good sense and good feelings of that portion of the abolitionists, who, acting under a mistaken sense of moral and religious duty, have embarked in this crusade against the south, solemnly invoking them in the name of our common country, to abstain from a system of agitation which has not only failed, and will always fail, to attain its objects, but has even brought the union itself into a state of imminent and fearful peril.

It is confidently believed that this appeal will not be made in vain, and that hereafter all who truly love their country will manifest their patriotism by avoiding this unhappy cause of discord and disunion; and that they will make no further exertions upon a subject, from the continued agitation of which nothing but augmented evils can result.

Your committee conclude by reporting the following resolutions, conformably to the instructions given them by the house.

Resolved, That congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the states of this confederacy.

Resolved, That congress ought not to interfere, in any way, with slavery in the District of Columbia.

And whereas it is extremely important and desirable that the agitation on this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

Resolved, That all petitions, memorials, resolutions, propositions or papers, relating, in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

We this week publish the yeas and nays upon the resolutions which accompanied Mr. Pinckney's report upon slavery in the District of Columbia. They complete our history of the proceedings on this subject in the house, and will be useful in future.

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It will be seen, by reference to page 252, that the bill before the senate prohibiting deputy postmasters from receiving or transmitting incendiary publications through the mail, which was ordered to be engrossed for a third reading by the casting vote of the vice president on the 2d instant, was, on Wednesday last, *rejected* by a vote of 19 to 25.

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The great Maryland internal improvement bill, which provides for the subscription on the part of the state of three millions of dollars towards the completion of the Chesapeake and Ohio canal, and the like sum to the Baltimore and Ohio rail road—one million for a rail road on the Eastern Shore of the state, and five hundred thousand dollars, respectively, to the Annapolis and Potomac canal and a cross cut canal to connect the Chesapeake and Ohio canal with Baltimore, passed the house of delegates on Friday the 3d inst. and the senate on the following day—and is published, with the votes upon it, and the proceedings which its passage called forth in Baltimore, in the present sheet, for general reference.

This event is warmly greeted by the people of Baltimore as an earnest of the rapid advancement of the monumental city to wealth and greatness; and it will, doubtless, realize even their most pleasant anticipations of the future. For nothing can prevent her from receiving into her lap that vast trade of the west which has heretofore been diverted from her by other channels, and the inexhaustible treasures of the mineral region of the Alleghanies, which will, of themselves, create a degree of public and private prosperity, that must speedily repay ten-fold, the amount that will be expended in making the works. But there are other and higher considerations associated with this wise and munificent act of the legislature, before which local and individual considerations dwindle into naught—We mean the new bonds of attachment which it will create between the interior of our country and the seabord, by those delightful associations of which free intercourse and mutual benefits are the parents. Those are ties which politics or politicians cannot sever, and hence all should regard this act as an additional guaranty of union and strength.

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General Houston, accompanied by several officers of his army, arrived at New Orleans on the 23d ult. and is said to be in bad health. Some further particulars confirming the capture of Santa Ana, will be found in a subsequent page. A report is in circulation that there is a plan on foot to deprive gen. Houston of the command of the army and to place gen. James Hamilton of South Carolina at its head. Such an event would be a singular requital for the victories achieved over the Mexicans!

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Our notices of events in Florida and on the Georgia and Alabama frontier, are made up to the latest dates. They were selected from a great mass of articles, but disclose nothing particularly important, except the disposition manifested by the Creeks and Uchees to unite with the Seminoles in Florida. This junction they will, probably, effect before they can be reached by the troops which have been sent against them; and if so, the scenes which have been witnessed in Florida will be repeated with additional horrors.

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A young clerk named Robinson, residing in New York, was recently indicted by the grand jury of that city for the murder of a "woman of the town" named Helen Jewett. The circumstances attending the murder evinced a most deliberate determination on the part of the perpetrator, and, with the sickly sentimentalities of the press, created a morbid excitement in the public mind—which greedily swallowed the most absurd and ridiculous stories, in which the strumpet was excused for her immoralities, and though vulgar, ignorant and unable to write, converted into an accomplished and highly gifted female, respectably connected—whilst Robinson was magnified into a cold blooded fiend who delighted in evil-doings. In this state of feeling the trial commenced and occupied the court from Thursday the 2d inst. until Tuesday last, when at about 10 o'clock the jury retired, and in *fifteen minutes* returned a verdict of *not guilty!* The result was received with cheers, and appears to accord with the public sentiment.

We have given this much space to the affair, chiefly with the view of saying, that the testimony delivered on the trial exhibits a most revolting picture of public morals and a toleration of vile and filthy practices that are highly discreditable—and to express our regret that it has been so broadly laid before the public on the questionable ground that it may prove admonitory to the young and inexperienced. Vice to be hated, according to the adage, needs only to be seen, but the mind's eye cannot always control appeals to the passions.

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THE WEATHER. The protracted "spell" of wet weather has caused many speculations as to its probable cause. Mr. Henry Schrœder of Baltimore attributes it to the spots on the sun's disk, it having been remarked, he says, that whenever many of these spots have made their appearance "the weather has been more changeable than usual and inclined to rain, and cool even in summer." The sun is now marked with spots, and has been for some months past; a drawing of its appearance on the 16th of April last has been made by Mr. S. which has been lithographed. In the explanatory paper accompanying the lithograph, he says—

"For the last four months many spots have appeared in the sun, sometimes as many as thirty or forty and more; they change their appearance frequently, they appear and disappear, some remain stationary for a month or more; and as the sun has a rotation round its axis in about twenty-six days, those spots which appear on the lower or eastern edge of the sun at its rising, will be seen on its upper edge in about thirteen days; all which may be observed through a good telescope, if the glass nearest the eye be blackened over a candle."

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UPPER CANADA. Sir Francis Head, the new governor, who has been at variance with the assembly ever since his arrival in the country, has issued his proclamation dissolving the parliament and summoning a new one to meet on the 16th day of July next. The affairs of this province are in a very disturbed condition, and the disposition manifested by the "*mother country*" to force the popular will, is daily severing the ties of feeling, and must soon eventuate in an outbreak that will bring the people and authorities into serious collision. Experience is not always admonitory to nations and individuals.

Since the above was written we have seen it stated that the parliament was dissolved for refusing to vote supplies to the government.

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PATERSON, N. J. This great manufacturing town is one of the most prosperous in the United States, and among the best evidences of the effects of employment in creating wealth and adding to the comforts of the people. We not long since noticed the rapid increase of its population and the general prosperity that prevailed there—and we now see it stated in the New York Star, that a new bridge is to be erected that will bring a large quantity of land, suitable for building, situated on the northern side of the Passaic Falls, within three minutes walk of the manufactories and of the centre of the business of

the town. In addition it is proposed to build a large and spacious hotel, and the foundations are now being laid of a large cutlery establishment, that will employ at least five hundred operatives during the first year of its existence. There are also, in progress of building, four very large paper mills, which will be completed during this season, and employ at least two thousand additional mechanics.

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Zinc in New Jersey. It appears by an article in the Newark Daily Advertiser, made up it seems from information furnished by Dr. Fowler, one of the representatives in congress from that state, that there is an abundant quantity of this valuable mineral in New Jersey. The largest mass is found at Sterling in Sussex county, where there is actually a zinc mountain 200 feet high. Many unsuccessful attempts have been made heretofore to make this ore available, but latter experiments have been made with perfect success. Thirty tons of it have been recently sent to the furnace in Washington city, and beautiful specimens obtained. The metal imported under the name of speiter is of much inferior quality to the pure zinc found in New Jersey; the latter being malleable, while the other is not. Excellent brass is made of the New Jersey ore.

Professor Rogers thus expresses himself on this subject, in a late report on the geology of the state. "The enormous quantities of it, and the facilities it would present to mining, are calculated to invite attention and enterprise, as soon as its existence and value becomes more generally known."

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Abolition. The general assembly of the Presbyterian church is now in session at Pittsburgh. Dr. Miller, from the committee on the slavery question, has made the following report to that body.

The committee to whom were referred, by the last general assembly, sundry memorials and other papers, touching the subject of slavery, with directions to report thereon to the general assembly of 1836, beg leave to report:

That after the most mature deliberation which they had been able to bestow on the interesting and important subject referred to them, they would most respectfully recommend to the general assembly the adoption of the following preamble and resolutions, viz:

Whereas the subject of slavery is inseparably connected with the laws of many of the states of this union, with which it is by no means proper for an ecclesiastical judicatory to interfere, and involves many considerations in regard to which great diversity of opinion and intensity of feeling are known to exist in the churches represented in this assembly; and whereas there is every reason to believe that any action on the part of the assembly in reference to this subject would tend to distract and divide our churches, and would probably in no wise promote the benefit of those persons whose welfare is immediately contemplated in the memorials in question, therefore,

1. Resolved, That it is not expedient for the assembly to take any further order in relation to this subject.

2. Resolved, That as the notes which have been expunged from our public formularies, and which some of the memorials referred to the committee request to have restored, were introduced irregularly, never had the sanction of the church, and therefore possess no authority, the general assembly has no power to assign them a place in the authorised standards of the church.

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Boston money market. The tone of the following paragraph, considering where it appears, argues a very unusual pressure in the money market of the city of Boston:

Boston, June 4, 1836.

A prospect of relief. We are authorised to state that the banks of this city, with a view to do all in their power for the accommodation and relief of the mercantile community, will make liberal discounts in the early part of next week to an amount exceeding one million dollars. This arrangement has already been entered into by nearly all the banks, and those which have declined giving a pledge have signified their intention not to be backward in rendering all the facilities to the merchants they can command, in a time of such severe pressure. [*Atlas.*

—

General Scott. The Globe, in speaking of general Scott, says very justly:

"We observe with extreme regret the unmerited censure, which some of the southern presses are casting upon this gallant officer. Without examining into the causes of the failure of the campaign against the Seminoles, without knowing the difficulties against which he contended, they heap invective upon a brave man, because success does not always crown his efforts. They should remember that this is the first time his countrymen have witnessed his failure, and gratitude for his past services should prevent inconsiderate reproach. They should consider the late period when he was called into the field, the innumerable delays which the inclemency of the season at the north offered to the transportation of the troops, and the indispensable supplies for the army; the interference of others, by which his plans were defeated, and his movements retarded; the unknown and impracticable country in which he had to operate."

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The mails. *From the Globe.* We are informed that the failure of the New York mail on Saturday evening was caused by the breaking down of the mail wagon near Holmesburgh, in Pennsylvania, which prevented its arrival at Philadelphia on Saturday morning in time to connect with the steamboat.

The New Orleans mails of the 14th and 15th ultimo have been received by the way of Wheeling, showing that the postmaster at New Orleans commenced sending the eastern mails up the Mississippi as soon as he heard of the interruption of the mails by the Creek Indians. This course was one of prudence, as mails so valuable ought not to be exposed to hazard for the prospect of a few days greater expedition, and the arrangement to convey them to the Florida line could not have been known in that city.

The failure of the Georgia mails for the last few days, which seem to have occurred between Augusta, Georgia, and Fayetteville, North Carolina, are not yet accounted for.

An agent of the department is in Georgia, clothed with plenary powers to make all arrangements within the legal authority of the department, for the safe conveyance of the mails. He has been assured by generals Scott and Jesup that in a couple of weeks the communication shall be opened and made secure on the ordinary route, from Columbus, Georgia, to Montgomery, Alabama; and little doubt is entertained that it will be accomplished.

ITEMS.

Tea Plant. Mr. *John Platt* of Marietta, Ohio, has informed the public that he has for ten years past, successfully cultivated the tea plant of China, and discovered the art of drying and manufacturing the leaves, so as to produce tea equal to the imported young hyson. He also offers to furnish, *gratis*, fresh seed of last year's crop, with instructions for planting it, to those desirous of raising it.

The marine corps. The detachments of the marine corps stationed at the different navy yards, &c. have proceeded to the scene of hostilities. The detachment, under col. Henderson, which was stationed at Washington navy yard, very handsomly volunteered its services to go against the Creeks as soon as their barbarities were known, and without even an intimation that its services would be acceptable. This is not the first evidence of the patriotism of this much neglected and abused arm of the national defence, and, with our friends of the National Intelligencer, we hope it may hereafter find that favor in the eyes of the constituted authorities of the nation to which it is entitled. The marine force, when embodied, will amount to about 500 men, and be commanded by col. Miller.

Of the 200,000,000 lbs. of sugar consumed by France annually beet-root already supplies 80,000,000 lbs. whereas in the year 1828, beet-root supplied not more than 16,000,000 lbs.

Lehigh coal trade. Three hundred boats, laden with 13,646 tons of coal were despatched from Mauch Chunk, in the week ending on the 19th ult.

Population of Lynn, Mass. The increase of population in this town is truly surprising. A census by vote of the town has just been completed. A census of the town was taken last July, by private enterprise. In 1820 it was 4,515; in 1830 6,138; in 1835 in July 8,419; in 1836 in May 9,847. Gain in 10 months 1,068, or about 107 per month—1,282 per year—150 per cent. in 10 years! Lynn is the largest town (not a city) in New England. [*Lynn Record.*

Great mortality on ship-board. The whaling ship Richmond, of New Bedford, capt. Tucker, had arrived at St. Simons on the 26th of March, from Madagascar, where she had put in to recruit. A few days after leaving port, several of the crew complained of sickness, and in ten days, ten had died and five more remained sick until the arrival of the ship at Simon's bay, after which another man died—the others recovered.

The Connecticut house of representatives have *rejected* the bill authorising any number of persons not less than five, to organize themselves together into a joint stock company, with a capital of not less than 10,000 dollars nor more than $200,000. For the bill 94; against it, 104.

High prices. The New York Journal of Commerce, states that the following were the prices of provisions of an ordinary quality, in the markets of that city a few days since.

Beef, 1a1*s.* 6*d.* veal, 1a3*s.* 4*d.* lamb, 1*s.* 6*d.*a2*s.* pork, 1*s.* 2*d.* fresh shad, 4*s.* each; bass, 10*d.* lb. codfish, 10*d.* do; halibut, 1*s.*6*d.* do.

Shocking accident. A shocking accident happened on the Worcester rail road a day or two ago. A poor fellow in at-

tempting to jump from a train of cars while in motion, fell across the rail, and the engine passing over his legs, cut them both off just below the knee!

John C. Halsey, esq. of New York has presented to the United States naval lyceum a bust of Washington, executed in Florence by our distinguished countryman Greenough.

The appropriations made by the legislature of New York, at its late session, in aid of various works of internal improvement, amount to six millions and a half of dollars. Of this large sum, three millions are appropriated to the New York and Erie rail road, one million to the Black river canal, and two millions to the Genesee valley canal.

Most of the notes or due bills heretofore issued by the corporation of Washington have been withdrawn from circulation and destroyed. It appears from an official report that the whole issue was $379,256, and that the amount withdrawn and burnt was $354,102, leaving a balance outstanding of $25,074. Of this last amount it is estimated that $13,000 have been lost in the course of circulation, and will not be brought in.

The Girard bank of Philadelphia has issued notes of $5,000 and $10,000. They are said to be beautifully executed.

We have already mentioned the departure of a corps of marines from Washington to act against the Creeks. The story is, that the secretary of the navy was not pleased with the order, and intimated to the president that these men were only educated for *sea service*. The president, with his usual sang froid, replied, "they shall go to *see service*, and act on the (creeks) Creeks." [*N. Y. Jour. Com.*

Mr. Burden, of Troy, the well known ingenious mechanic and inventor of the patent horse shoes, returned yesterday to this country, after six months absence in England. We learn that he has made very advantageous arrangements for the sale of his horse shoes, which are highly approved of, and for which he had already received a patent from the British government, as well as from our own. [*N. Y. Star.*

British and foreign Bible society. The net receipts of the last year were £86,819 5*s.* 7*d.* equal to $385,800. Total issue of Bibles and Testaments 552,812. The anniversary was held at Exeter hall on the 4th of May, lord Bexler presided. [*N. Y. Com. Adv.*

A lively spectacle was presented in Boston harbor on the 1st inst. The weather being clear, although the wind continued east, a large fleet of vessels, detained for eight or ten days by adverse winds and stormy weather, got under weigh soon after the ebb tide set down, and commenced beating out. The fleet included nearly twenty sail of square-rigged vessels; and Mr. J. R. Parker counted from the telegraph station, eighty-seven sail outside the light, and two hundred and fifty-nine inside; a considerable portion of which got to sea, the rest coming to at the different anchorages. Not a single accident occurred among the vast fleet in all their crossings of each others tracks!

Powhatan Ellis, charge d'affaires of the United States to Mexico, arrived at Vera Cruz, on the 15th ult. and proceeded on the 19th to the capital.

The currency. A gentleman in Tennessee has written to his partner in Philadelphia that U. S. bank notes are commanding there 2½ to 3 per cent. premium for remittances to the Atlantic cities.

Nathaniel Pitcher, a distinguished citizen of the state of New York, died at his residence at Sandy Hill, on the 25th ultimo. He was for several years a member of the senate, and also of the house of assembly of the state of New York, and was also several times a member of congress from that state. Upon the death of governor Clinton, in February, 1827, Mr. *Pitcher*, then being lieutenant governor, succeeded to the office of governor of that state, which office he filled with great credit and usefulness during the residue of the term for which gov. Clinton had been elected.

The Philadelphia Herald states that an agency has been established in New York by the United States bank, for the purchase and sale of foreign and domestic exchange, where from three to five millions will be employed. The office is under the direction of Morris Robinson, esq. the cashier of the late branch bank. The rate at which the office purchases domestic exchange on Alabama and Louisiana is two and a half per cent. The Daily Advertiser remarks that "although this is more than double what it was a year ago, it is lower than it has recently been taken at. This arrangement will be of great benefit to the merchants who have recently found it utterly impossible to use their southern funds at any rate. We have no doubt it will give very considerable relief to the city."

A company for the manufacture of sugar from beets has been formed in Philadelphia, and an agent sent to France to gain the necessary information.

Incendiaries. The Boston Atlas says that six attempts were recently made *in one night*, to fire houses in that city.

Longitude. The *Progress*, a journal of Arras, states that a person residing at Fauquembergue has, after studying for thirty years, discovered the longitude at sea, and formed an instrument which constantly points out and rectifies the ship's course, indicating the longitude and latitude on the chart.

The Miltonian, published in Northumberland county, Pa. contains the following singular annunciation:

Extraordinary arrival—Arrived, May 22, boat New Columbia Trader, captain Jonas Fisher, with a cargo of wheat, *from Bremen, Germany*, by the Union canal, to A. Graham & Son, Lewisburg.

The hon. Mr. *Stevenson*, our newly appointed minister to the court of St. James, has embarked on board the packet ship Montreal, which sailed from the port of New York for London.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

June 3. A message was received from the president of the United States, accompanied by a report from the secretary of war, relative to improvements in the ordnance corps. Referred.

Mr. *Goldsborough*, from the committee on commerce, reported a bill from the house, authorising the employment of boys in the vessels of the United States, with amendments, and a report accompanied by the correspondence with the chambers of commerce. On motion of Mr. G. the bill as amended, and the report and documents were ordered to be printed.

Several bills of minor importance were ordered to be engrossed, when the bill to reorganize the general land office was taken up on motion of Mr. *Ewing*, who advocated its passage. After he had concluded, the bill was reported with amendments and ordered to be engrossed.

Mr. *Hubbard* asked and obtained leave to introduce a bill to audit and settle the claims of gen. Ripley. The bill was then read a first and second time and referred to the committee on pensions.

The senate next proceeded to consider the bill to extend the charters of certain banks in the District of Columbia—the question being on the engrossment of the bill. Messrs. *Benton* and *Niles* made some remarks in opposition to the bill and Messrs. *Kent* and *King*, of Ala. spoke in favor of it. It was then laid on the table to give Mr. *Wright* an opportunity to make a report.

Mr. *Wright*, from the select committee to which was referred the bill to regulate the deposite of the public money, reported a substitute for the bill, part of the provisions of which were unanimously adopted, and some of the important amendments only agreed to by a majority. The amendments were then ordered to be printed.

Mr. *Webster* said he did not often trouble the senate with any thing personal to himself, but a friend had pointed out to him a paragraph in the Globe of this morning, which was so flagitiously false, and which so directly affected his conduct as the head of an important committee of the senate, that he thought it due even to the senate itself to refute the calumny. The paragraph is in these words:

"It is a most remarkable thing that, while the opposition in the senate every day parade before the public the seven millions in the stock of the bank of the United States as a part of the surplus in the treasury, they so contrive it that not a dollar of it can reach the treasury. Judge White, Mr. Calhoun, Mr. Clay and Mr. Webster are ever and anon pointing to the seven millions of bank stock as a fund for distribution, while Mr. Webster, as chairman of the committee on finance, holds back for months, from the action of the senate, the bills passed by the house of representatives to provide against the notorious conversion by Biddle of the means of the old bank to the purposes of the new."

Now sir, (said Mr. W.) the journals show that neither I nor the committee have *held back* any thing from the action of the senate. All bills in any way respecting the late bank of the United States, which have been referred to the committee, have been reported to the senate long ago, and are now on the list of orders, to be taken up in their turn. If this libeller had not been willing even to traduce and injure friends, rather than to lose an opportunity of injuring opponents, he would have remembered that a majority of the members of the committee on finance are supporters and friends of the administration. I am happy to bear my humble testimony to the diligence and promptitude with which these gentlemen discharge their duties, and every body knows that it is in their power at any time to report any measure they may choose to report, or to call up any business which they may desire to call up.

The bill to which the foregoing paragraph refers was referred to the committee April 14, and was reported by the committee, without any amendment, April 21, as appears by the secretary's minutes, endorsed on the bill: "Act repealing the 14th section of the act to incorporate the bank of the United States. April 14. Read twice, and referred to the committee on finance. April 21. Reported without amendment."

I will only add, sir, that this is not the first time that I have been obliged to take notice of statements in this paper respecting my conduct as chairman of the committee, which were in direct contradiction of the printed journal of our proceedings, and of its own diurnal report of them.

On motion of Mr. *Kent*, the bill to extend the charters of certain banks in the District of Columbia was again taken up.

The senate then adjourned.

June 4. A large number of bills for the relief of individuals were ordered to be engrossed.

The resolution authorising the joint committee on the library to purchase the library of the late count Boutourlin, at Rome,

was rejected—yeas 15, nays 17. [The vote was subsequently reconsidered on motion of Mr. *Clay*, and the resolution laid on the table.]

Mr. *Clay*, from the committee of conference appointed on the subject of the bill to carry into effect the convention between the United States and Spain, made a report, recommending to the two houses so to modify the bill as to appoint one commissioner instead of three commissioners, to execute the duties, and to reduce the time allowed for the performance of the duties from eighteen months to one year. Mr. *Clay* having explained the amendments, the report of the committee of conference was concurred in.

The various bills ordered yesterday to a third reading, were read a third time and passed.

The senate again proceeded to consider the bill to extend the charters of certain banks in the District of Columbia—when Mr. *Benton* opposed the bill and moved its recommitment with instructions. This motion gave rise to a debate, after which the senate rejected it—yeas 10, nays 28. Mr. *Benton* then moved to strike out certain provisions of the bill—but the motions were also rejected by about the same vote. The question was finally taken on the engrossment of the bill and decided as follows:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing, of Ohio, Ewing, of Ill. Goldsborough, Hendricks, Hubbard, Kent, King, of Alab. Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster—30.

NAYS—Messrs. Benton, King, of Georgia, Niles, Robinson, Shepley, Wall, White, Wright—8.

So the bill was ordered to be engrossed and read a third time. The senate then adjourned.

June 6. After the presentation of reports, the resolution offered by Mr. *Wright* on Saturday, calling on the secretary of the treasury to communicate what amount of money in the treasury is subject to draft, what is the amount of revenue from the lands and customs during the first quarter of the present year, &c. was considered and agreed to.

The resolution offered by Mr. *Preston*, on the subject of four historical paintings to fill the vacant niches in the Rotundo, was considered, and agreed to.

The bill to extend the time for receiving the proof of certain pre-emption claims, under the act of the 19th of June, 1834, was taken up in committee of the whole—when Mr. *Ewing*, of Ohio, moved that it be indefinitely postponed. On this motion Mr. *Walker* asked for the yeas and nays.

It was contended that this bill gave an improper encouragement to squatters on the public lands, and that they are too numerous already. On the other side, it was insisted that the settlers on the public lands were a most meritorious class, and deserving of the countenance of the government. It was stated by Mr. *Ewing*, of Ohio, that speculators had fallen upon the practice of putting families on lands previous to the surveys, that they might be prepared and qualified to obtain rights of pre-emption; in one case, in Illinois, about forty families were thus disposed of. The senators who participated in the discussion were, Messrs. *Walker, Black, Ewing*, of Ohio, *Porter, Moore, Crittenden, King*, of Alabama, and *King*, of Georgia.

The question was then taken on the motion of indefinite postponement, and decided as follows:

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Kent, King, of Georgia, Knight, Leigh, Naudain, Prentiss, Preston, Robbins, Swift, Southard, Tomlinson, Webster—18.

NAYS—Messrs. Benton, Black, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, Hubbard, King, of Alabama, Linn, Moore, Morris, Nicholas, Niles, Porter, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, Wright—22.

The question being on the amendment reported by the committee on private land claims,

Mr. *Crittenden* moved various amendments; which were agreed to. The bill was further amended, on motion of Mr. *King*, of Georgia, by introducing a provision that the act shall not extend to any lands the Indian title to which had not been extinguished on the 1st of January, 1832. Mr. *Ewing*, of Ohio, moved to amend by adding a proviso that all assignments be void; which was agreed to. Mr. *Porter* moved to amend by inserting a clause that no witness should be allowed to give evidence in more than one claim; which was agreed to. The amendment was then agreed to as amended, and the bill, as amended, was reported to the senate. The question was then taken on the amendments, and they were concurred in. The yeas and nays were ordered on the question of engrossment, on motion of Mr. *Ewing*, of Ohio. The bill was then ordered to be engrossed, and read a third time, the vote being as follows:

YEAS—Messrs. Benton, Black, Buchanan, Ewing, of Ill, Grundy, Hendricks, King, of Alabama, Linn, Moore, Nicholas. Niles, Porter, Rives, Robinson, Rugglee, Shepley, Tallmadge, Tipton, Walker, White, Wright—21.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Kent, King, of Geo. Knight, Leigh, McKean, Naudain, Prentiss, Southard, Swift, Tomlinson, Wall, Webster—18.

The senate then proceeded to read the several bills on the table for the third time. On reaching the bill to extend the charters of certain banks in the District of Columbia, Mr. *Benton* signified an intention to oppose the bill, but wished the senate, at this time, to go into the consideration of executive business. On motion of Mr. *Grundy*, the senate proceeded to the consideration of executive business; and, after remaining some time with doors closed, the senate adjourned.

June 7. After the reception of petitions, reports, &c. the senate proceeded to consider, as in committee of the whole, the bill to extend the time for providing and establishing certain pre-emption claims suspended by the contingent location of certain alleged Choctaw reservations.

[This bill, as introduced on leave by Mr. *Walker*, contained a single section, and provided that any person entitled to pre-emption, but prevented from establishing his claim in consequence of the opposition of a Choctaw location, set up under the treaty of Dancing Rabbit creek, shall be authorised to establish their claims by proof at any period not exceeding six months, and shall be placed on the same footing as if proved and established under the act of 1834.

The committee on private land claims amended this bill by inserting a provision that the contingent locations of the Choctaws which come in conflict with the claimant, must be reservations "which have been since disallowed, and ordered to be sold." Also, by adding a second section, enacting that where any such claimant so entitled has been deprived, by the location of any Indian reservation, of his pre-emption right to a tract, he shall be permitted "to locate elsewhere within the same district, 160 acres, at the minimum price.]

The amendment of the committee was agreed to, and the bill having been reported as amended, the amendment was concurred in by the senate.

Mr. *Ewing*, of Ohio, called for the yeas and nays on the engrossment of the bill, whereupon a debate ensued in which the merits of the bill were discussed. Mr. *King*, of Georgia moved to strike out the first section of the bill, being the whole of the original bill, and called for the yeas and nays, which were ordered. The question was then taken, and the motion carried—yeas 22, nays 16.

The question was then about to be taken on the bill as amended, when, after a brief discussion, the bill was laid on the table.

The bill to extend the charters of certain banks in the District of Columbia was taken up; and the question being on the passage of the bill,

Mr. *Wright* spoke against the passage of the bill. Mr. *Knight* made a few remarks in reply. The discussion was further continued by Messrs. *Niles, Benton, King*, of Ala. and *Walker*. The question was then taken on the passage of the bill, and decided as follows:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King, of Alabama, Knight, Leigh, Naudain, Nicholas, Porter, Prentiss, Rives, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster—26.

NAYS—Messrs. Benton, Ewing, of Illinois, King, of Georgia, Linn, McKean, Mangum, Morris, Niles, Robinson, Ruggles, Shepley, Wall, White, Wright—14.

The senate took up the amendments made by the house to the bill making appropriations for Indian expenditures, annuities, &c. and they were referred to the committee on Indian affairs.

The bill to extend the time for receiving proof of pre-emption claims was read a third time; but before any question was taken, on motion of Mr. *Ewing*, of Ohio, the senate adjourned.

June 8. Mr. *Grundy*, from the committee on the post office and the post roads, reported the bill from the house of representatives, to reorganize the post office department with amendments.

Mr. *White*, from the committee on Indian affairs, reported the amendments of the house to the bill making appropriations for the expenses of the Indian department, for Indian annuities, &c. Several of the amendments of the house were concurred in.

One of the amendments of the house was an increase of the appropriation for the removal of the Creeks, so as to embrace the whole of them, being about 21,000, at $30 a head. The first estimate was for 12,000, at a lower rate. It was asked of the chairman of the committee if it was possible to effect this operation of removing the Creeks during the present year, and the reply was, that if they could be got into the humor, their removal might be effected before the next meeting of congress.

While this amendment was pending, on motion of Mr. *Calhoun*, the further consideration of the subject was arrested, by a motion made by Mr. *Calhoun* to lay the whole matter on the table; which was agreed to.

On motion of Mr. *Calhoun*, the senate then proceeded to consider the bill to prohibit deputy postmasters from receiving and transmitting certain papers described therein, in the states in which they are, or may be, prohibited by law.

The question being on the passage of the bill, a discussion took place, in which Messrs. *Webster, Buchanan, Davis, Grundy, Clay, Calhoun, Walker, Cuthbert, Morris* and *Ewing*, of Ohio, engaged.

The question was then taken by yeas and nays on the passage of the bill, and decided as follows:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Cuthbert, Grundy, King, of Alabama, King, of Georgia, Mangum,

Moore, Nicholas, Porter, Preston, Rives, Robinson, Tallmadge, Walker, White, Wright—19.

NAYS—Messrs. Benton, Clay, Crittenden, Davis, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, McKean, Morris, Naudain, Niles, Prentis, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Wall, Webster—25.

So the bill was *rejected*.

The *chair* laid before the senate a report from the secretary of the treasury on the subject of domestic exchanges.

The senate proceeded to consider the bill to regulate the deposites of the public money.

Mr. *Wright* obtained the floor, and indicated his intention to move the senate to proceed to the consideration of executive business. The deposite bill was then postponed, and made the special order for to-morrow. The senate proceeded to consider the bill to extend the time for receiving proof of pre-emption claims where there are opposing Indian reservations; when, on motion of Mr. *Ewing*, of Ohio, the bill was postponed, and made the special order for to-morrow. On motion of Mr. *Benton*, the senate proceeded to the consideration of executive business; and after some time the doors were re-opened, and the senate adjourned.

June 9. A number of petitions and resolutions were presented and several bills referred, after which the senate, on motion of Mr. *Wright*, took up the bill supplementary to the bill to establish the northern boundary of Ohio, and for the admission of Michigan into the union, with the amendment thereto proposed by him.

After some remarks from Mr. *Ewing* of Ohio, in explanation of the bill and amendment, and from Mr. *Benton* in favor of the principles of the bill, Mr. *Clay* moved to amend it by inserting a provision exempting from taxation for five years all lands sold by the United States. [This is the period for which lands are usually exempted from taxation when sold by the United States to individuals, but such an exemption was not contained in the provision of the bill which recognizes the right of the United States to dispose of vacant lands, &c.] After a debate, in which Messrs. *Wright* and *Ewing*, opposed Mr. *Clay's* amendment and Messrs. *Walker*, *Grundy*, *Webster* and *Clay* advocated it, the latter at some length, the question was taken and the amendment lost, by the following vote.

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Goldsborough, Grundy, Kent, Knight, Leigh, McKean, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tipton, Tomlinson, Wall, Webster—20.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Ewing, of Ill. Ewing, of Ohio, Hendricks, Hubbard, King, of Ala. King, of Georgia, Linn, Mangum, Moore, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, Wright—24.

After the disposal of several private bills, the senate proceeded to the further consideration of the amendments made in the house to the senate's amendments of the bill making appropriations for the Indian department, and concurred in the amendment relative to the appropriation for the removal of the Creek Indians.

On motion of Mr. *Ewing*, of Ohio, the bill in relation to pre-emption rights was taken up and considered.

Mr. *Ewing* continued his remarks in relation to the operation the bill would have upon the public lands in Wisconsin, Michigan and Indiana. When Mr. *Ewing* had concluded, Mr. *Calhoun* moved to lay the bill on the table; but, at the request of several gentlemen, he withdrew the motion. Mr. *Walker* then addressed the senate in defence of the reputation of the western settlers, and in relation to the general character of the bill, which he approved. Mr. *Ewing*, of Ohio, made some further remarks in opposition to the bill.

Mr. *Clay* stated a fact or two to show the abuses which had existed under the pre-emption laws, and his conviction when he came here that congress was disposed to put an end to the system. Mr. *King*, of Georgia, made some remarks on the subject of the character and operations of the squatters who had been so eulogized by the senator from Mississippi, (Mr. *Walker*), and whom he represented as a set of men who cared for no laws, of God or man, except a pre-emption law. He stated that the settlers on the lands had settled in express violation of the Choctaw treaty. Mr. *Black* defended the squatters from the imputations which had been cast upon them.

The question was then taken on the passage of the bill and decided as follows.

YEAS—Messrs. Benton, Black, Buchanan, Ewing, of Ill. Grundy, Hendricks, King, of Ala. Linn, Moore, Nicholas, Porter, Rives, Robinson, Tallmadge, Walker, White, Wright—17.

NAYS—Messrs. Brown. Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Kent, King, of Georgia, Knight, Leigh, McKean, Mangum, Morris, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Wall, Webster—23.

The senate next proceeded to consider the bill to regulate the deposites of the public money. The question being on the amendment proposed by the committee,

Mr. *Wright* made some remarks on the bill, and stated it to be his intention to move an amendment providing that the deposite banks shall render all those services to the United States which were rendered by the late bank of the United States.

This proposition was reduced to the form of an amendment, and in that form was agreed to.

Some remarks were then made on the bill by Messrs. *Robinson*, *Hendricks*, *Porter*, *Webster*, *Ewing*, of Ohio, *Benton*, *Walker* and *Black*.

On motion of Mr. *Calhoun*, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, *June* 3. The resolution offered by Mr. *Lane* on the 31st ult. relative to persons who have been imprisoned for debt in the District of Columbia since 1820 was taken up and agreed to.

After other business, the following bill from the senate proposing a change in the time for the meeting and adjournment of congress was read twice. A debate now arose during which motions were made and rejected, to commit the bill to the committee on the judiciary, and to lay it on the table. The orders of the day were now called for, but were postponed, on motion of Mr. *Vanderpoel*, till 12 o'clock, for the purpose of proceeding with the consideration of the bill. The question now being upon the passage of the bill, Mr. *Patton* briefly opposed it, and Mr. *Hardin* said a few words in favor of it—when Mr. *Vanderpoel* moved the previous question, which being seconded, the main question was ordered and put, and being taken the bill was ordered to a third reading—yeas 119, nays 66.

Mr. *Adams* moved that the bill be recommitted to the committee of the whole, with instructions to strike out that part of it which proposes to fix a time for the adjournment of congress. That part of the bill he regarded as unconstitutional.

Mr. *Bell* objected to fixing the first of November for each annual meeting of congress, and moved to amend the instructions, so as to direct the committee to fix that time of meeting on each alternate session. That much he was willing to concede to the public convenience; but to all the members from the planting states it would be extremely inconvenient to leave home in October, in order to attend here on the first Monday in November.

Messrs. *Toucey* and *Speight* coincided with Mr. *Adams* in his views, and supported the motion to recommit. The *chair* announced the expiration of the hour assigned to the consideration of the subject.

On motion of Mr. *R. M. Johnson*, the rules were suspended, for the purpose of continuing the consideration of the subject for one hour. Mr. *Speight* said the bill was a palpable violation of the constitution, and spoke briefly in support of that position. Mr. *Williams*, of Ky. said he was opposed to the bill, but it was evident that a large majority of the house was in favor of it. In order, therefore to save time, he moved the previous question.

The previous question being seconded, the main question was ordered, and being put, the bill was PASSED—yeas 101, nays 81.

A message was received from the president, transmitting a report from the secretary of the treasury in relation to the injuries sustained by the bridge across the Potomac river during the recent extraordinary rise of water—which were read; whereupon Mr. *W. B. Shepard* asked and obtained leave to introduce a resolution authorising the secretary of the treasury to have the necessary repairs made to the bridge, which resolution was read twice and ordered to be engrossed. [Passed next day—The principal injury the bridge sustained was near the southwestern draw, which can be easily repaired and at a trifling expense.]

The house resumed, as in committee of the whole, Mr. *Smith* in the chair, the bill making appropriations for the current expenses of the Indian department, annuities, &c. The amendment proposed by the committee on Indian affairs, making an appropriation for the removal of the hostile Creeks, being under consideration,

Mr. *Horace Everett* addressed the committee at great length, on the subject of the relations between this government and the Creek and Seminole Indians. Mr. *White*, of Florida, followed, in reply to Mr. E. and in support of the amendment. After some further debate the committee arose.

Mr. *White*, by leave, offered a resolution calling for information from the war department, concerning the granting of licenses to any persons to trade with the Creek Indians for negroes, and all correspondence connected therewith; which was agreed to.

Mr. *Bell*, also by leave, offered a resolution that the secretary of war be requested to communicate such information, relative to the Indian hostilities, and the causes thereof, as may be indicated by the committee on Indian affairs; which was agreed to. The house then adjourned.

Saturday, *June* 4. Several motions were made and rejected to suspend the rules, with the view to the consideration of special business.

Mr. *Jarvis*, from the committee on naval affairs, reported the senate's bill to reward the captors of the Tripolitian frigate Philadelphia; which was committed.

Mr. *Jarvis*, from the same committee, to which was referred the bill from the senate to provide for the payment of the passage of general Lafayette to this country from France, in the year 1824, reported the same, with the recommendation that it do not pass, and moved that it be laid on the table. Agreed to. Mr. *Cambreleng* moved to reconsider the vote. Mr. *Storer* then moved to lay the vote to reconsider on the table—agreed to.

The house next proceeded to the consideration of the orders of the day, and took up the bill to authorize a compromise

and to secure to the United States the title to the Pea Patch island in the river Delaware—which was, on motion of Mr. *Milligan*, laid on the table.

Mr. *Cambreleng* moved to suspend the rules for the purpose of taking up the bill making appropriations for fortifications—motions were made to amend this motion by including the bill for the continuation of the Cumberland road, the bill for the continuation of the national road in Missouri and the bill for the admission of Arkansas and Michigan—but the amendments and original motion were lost. The bill for the relief of Thomas McClelland and James Smith was taken up, and, after considerable debate, passed.

Mr. *Adams*, on leave, from the committee of conference, on the part of the house, upon the disagreeing votes of the two houses on the "act to carry into effect the convention between the United States and Spain," made a report therefrom, which was concurred in by the house, (the said report having previously been concurred in by the senate).

The bill for the relief of John M. Carroll, &c. was read a third time, and the question being on its passage, a debate arose which occupied the attention of the house for a considerable time, but before the bill was disposed of the house adjorned.

Monday, June 6. The house refused to take up the joint resolution from the senate fixing a period for the adjournment of congress—yeas 90, nays 63. [It requires two-thirds to suspend the rules.]

The joint resolutions of the legislature of Maryland in favor of the distribution of the proceeds of the sale of the public lands, and in opposition to the expunging resolutions, were taken up in course; and after some remarks from Messrs. *Thomas* and *Jenifer*, the resolutions were, on motion of the latter, laid on the table and ordered to be printed.

Several memorials from inhabitants of Michigan in relation to the boundary line in dispute between Michigan and Ohio, heretofore presented, were laid on the table, and ordered to be printed.

A number of resolutions of enquiry were presented and referred, and will be noticed in their progress.

Mr. *Lawrence* presented the remonstrance of Bement Ford and 106 other male inhabitants of Boston, in the state of Massachusetts, against the admission of the territory of Arkansas into the union as a slaveholding state; also, of William B. Lovejoy and 44 other male inhabitants of Boston; of Elizabeth Hayward and 105 other female inhabitants of Boston; and of Lucy A. H. Peterson and 179 other female inhabitants of Boston, upon the same subject.

Mr. *Russell* also presented a remonstrance purporting to be signed by Gerrit Smith, Alvan Stewart, Beriah Green, Samuel Lightbody, and others, executive committee of the anti-slavery society of the state of New York, against the admission of the territory of Arkansas as a state into the union upon an equal footing with the original states under the constitution, which prohibits the legislature from abolishing slavery in said state.

Mr. *Slade* also presented a large number of petitions signed by males and females in the state of New Hampshire, Vermont, Massachusetts, &c. praying to the same effect. Many memorials, on other subjects, were also presented.

Mr. *Sevier*, of Arkansas, moved the suspension of the rules in order to enable him to offer a resolution making the bill to establish the northern boundary of Ohio, and the bills for the admission of Michigan and Arkansas into the union, the special order of the day for Wednesday next, and each day thereafter, Fridays and Saturdays excepted, until the same be disposed of; and, upon this motion, he asked the yeas and nays, which were ordered, and, being taken, the leave was granted—yeas 137, nays 45.

Mr. *Sevier* then offered the resolution above indicated—which was, after an ineffectual attempt on the part of Mr. *C. Allan* to amend it by adding the bill for the extention of the provisions of the pension act of 1832, agreed to.

After other business, the house, on motion of Mr. *Cambreleng*, in further execution of the special order of the day, went into committee of the whole on the state of the union (Mr. *Smith* in the chair), and resumed the consideration of the bill making appropriations for the payment of the current expenses of the Indian department, for Indian annuities, and for other similar purposes.

After some remarks from several members on the question whether it was expedient further to postpone the consideration of the bill? Mr. *Glascock* took the floor, and went at large into an examination of the subject, in reply to the remarks of Mr. *Everett*, made on Friday last, and to the argument of Mr. *Adams*, delivered on a former day, upon the subject of furnishing rations to the people who are driven from their homes in Alabama and Georgia by the Indian hostilities.

The question was then taken on the amendment offered by Mr. *Everett*, and decided in the negative—yeas 28, nays 98.

The bill was further amended, when the committee rose and reported it to the house. The amendments were then severally concurred in.

On the amendment making appropriations for the removal and subsistence of the Creek and Seminole Indians, a division was called for, and the yeas and nays being ordered, the clause in relation to the Crecks was concurred in, ayes 160, noes 50.

The second branch in relation to the Seminoles was then also concurred in, and the bill was ordered to a third reading.

The joint resolution providing for the distribution of weights and measures was read three times and passed.

The house again went into committee of the whole, at about 6 o'clock, and took up the bill providing for the salaries of the officers of the revenue cutters—which has amended, reported to the house and passed.

On motion of Mr. *Mason*, of Va. the house went in committee of the whole for the purpose of considering the bill for the payment of Messrs. Moore and Letcher, members of the last congress.

After some discussion, and several ineffectual attempts to amend, the committee rose, and reported the bill; which was ordered to be engrossed for a third reading.

The house then adjourned.

Tuesday, June 7. Several bills were reported and committed, which will be noted when they come before the house—among them was a bill from the select committee on mileage to establish a new uniform rule of computing the mileage and per diem compensation of members, which was, after a brief discussion, postponed to Saturday next.

The house again refused to suspend the rules to take up the joint resolution from the senate fixing a day for the termination of the present session. Ayes 123, nays 71; not two-thirds.

The bill from the senate providing for the distribution amongst the several states, for a limited time, of the proceeds of the sales of the public lands, and the motions pending on the reference of the same, were taken up.

The question was first taken on the motion of Mr. *Williams*, of Kentucky, to commit the bill to the committee of the whole on the state of the union; when there appeared yeas 97, nays 96.

The *speaker* said that, under the ninth rule of the house, he was entitled to vote in this case; and he accordingly voted in the negative. So the motion was lost.

The question being next on the motion of Mr. *Carr* to refer the bill to the committee on public lands, a debate arose, in which Messrs. *Mercer*, *Lane*, *Vinton*, *Toucey*, *Denny* and *Bouldin* took part. Mr. *Bouldin's* remarks were arrested by the arrival of one o'clock, when the special order was announced.

In further execution of the special order of the day of the 26th of January, the house resumed the consideration of the "bill making appropriations for certain fortifications of the year 1836." The question being on the concurrence in the several amendments reported from the committee of the whole on the state of the union, Mr. *Thompson*, of South Carolina, spoke at great length on topics connected with the foreign and domestic policy of the country, heretofore adverted to in the debate on this subject.

After some remarks by Mr. *Toucey* in opposition to the principles of the bill, and by Mr. *Denny* in favor of its passage, Mr. *Bouldin* was proceeding with some remarks, but the debate was cut off by the expiration of the morning hour.

The land bill was next taken up—

Mr. *Mercer* made some remarks in opposition to retaining so much money in the treasury, as he considered it dangerous to the safety of the money, and to the integrity of the government.

Mr. *Lane* hoped the bill would not be committed to the committee on the public lands, because the proper committee to consider it was the committee of ways and means. He alluded to the charge that the chairman of the last named committee was hostile to the bill, and said he, for himself, was ready and willing to act. He did not intend to debate the merits of the bill, and he thought no one could believe it ever could become a law.

Mr. *Vinton* made some remarks in opposition to the commitment of the bill either to the committee of ways and means or to the committee on the public lands, from neither of whom its friends could expect any favor. The bill was of the greatest importance to the country, and for that reason he wanted a direct vote upon its merits: and if gentlemen resorted to this method of avoiding such a vote, and killed it by reference, he hoped the people would understand it, and who it was that did it.

The fortification bill was then taken up. Mr. *Waddy Thompson* expressed his disapprobation of the manner of doing business in the house, by crowding in amendments for extravagant expenditures, and hurrying them through without time or opportunity for discussion and consideration. He was opposed to the bill, because he believed that one-half of the appropriations were not only not necessary, but that they could not be expended within the year; and he thought the bill was designed to effect another purpose not disclosed in the bill. He alluded to a report which stated that, last year, $150,000 could not be expended in New York, because, although every effort was made in New England and elsewhere, sufficient laborers could not be found; and he inferred that the bill would have little effect but to keep the public money in the hands of the deposite banks.

Mr. T. then went on to reply to some remarks of Mr. *Adams*, made some days since, in relation to the annexation of Texas to this union, and he thought England would not interfere, as that gentleman had supposed, because that nation was preparing for a conflict with Russia, and would have enough else to do. He then went on to reply to some portions of the speech of the gentleman from Georgia, (Mr. *Towns*), about a month since.

Mr. *Hunt* examined the principles of the party in power, to show that the professions made previous to the election of the present chief magistrate had been abandoned; and he contrast-

ed the conduct and principles of the administration party with that of the old federal party, in the time of Washington. He was opposed to the extravagant appropriations proposed and made by the government now, which were entirely the reverse of all the promises of retrenchment which had been held out to the people.

He then went into an examination at length of the condition and sources of the public revenue, especially as regarded the public lands, the proceeds of the sales of which he was in favor of distributing among the states; and spoke of the insecurity of the public money in its present condition, and earnestly hoped, before the adjournment of congress, some measure would be adopted to provide for its safety, and to afford some assurances that the money could be obtained when it should be called for. He wished to know what answer the representatives could give to the people, if, from neglect, or party views, the public treasure, now scattered among irresponsible banks, to the amount of near forty millions, should be lost, or even if a half or a quarter of it should be lost; and he compared the state of the United States bank, when it was alleged by the president of the United States to be unsafe, with that of the deposite banks now, as shown by the official returns, concluding that they had not sufficient means to meet their liabilities, and that there was sufficient cause of alarm to induce men to lay aside party considerations, and to act so as to secure the public money, without damage to the banks themselves.

The debate was continued by Messrs. *Towns*, *Thompson*, of South Carolina, *Cambreleng*, *Briggs* and *Pinckney*.

Mr. *Storer* moved to amend the bill so as to reduce all the appropriations, except that for Fort McHenry, one-half the amount specified in the bill; and argued at length against so large appropriations, and in favor of the reduction. After some remarks from Mr. *Howard*, in reply, Mr. *Kinnard* called for the previous question; which was not sustained. The debate was then continued by Messrs. *Kinnard*, *Lane*, *Hardin*, *Hawes* and *Briggs*. After Mr. *Briggs* had concluded, Mr. *Hard*, at about seven o'clock, moved an adjournment. Lost. The motion was renewed by Mr. *Bell*. Mr. *Cambreleng*, then, by consent, moved to make the bill the special order for Friday; which was carried.

The bill from the senate, to extend the charters of certain banks in the District of Columbia, was taken up, and pending several motions to commit the same to the committee for the District of Columbia, or to the select committee on the same subject heretofore appointed, the house adjourned.

Wednesday, June 8. The bill to repeal so much of the act of March 2d, 1799, as requires the issuing of certificates upon the importation of wines, was taken up by general consent, and, after some explanatory statements from Mr. *Lawrence*, which were confirmed by Mr. *McKim*, read a third time and passed.

On motion of Mr. *Sutherland* the bill to increase the compensation of the officers of the vessels employed in the revenue service was taken up. The question being on its passage, after debate, the yeas and nays were taken and the bill passed—yeas 146, nays 52.

The house, by general consent, received a resolution offered by Mr. *Reed*, instructing the committee on the District of Columbia to examine the situation of the prisoners in the jails of the District, and especially those imprisoned for debt—which was also agreed to.

The house then proceeded to the special orders of the day, being the bills for the establishment of the northern boundary of Ohio, and for the admission of Michigan and Arkansas into the union, and took up the first mentioned bill.

The question being on the third reading of the bill, Mr. *Thomas* moved that the bill be laid on the table. Mr. *Vinton* requested that the gentlemen would withdraw his motion till he could show that the provision of the bill for the admission of Michigan did not dispense with the necessity of passing the bill to settle the boundary of Ohio. Mr. *Thomas* declined to withdraw his motion. Mr. *Vinton* said that if the state of Ohio was to be cut off by the guillotine, he wanted the people of the state to know who were the executioners. He, therefore, called for the ayes and noes; which were ordered. The question being taken, there appeared, yeas 103, nays 103—a tie. The *chair* voted in the affirmative.

So the bill was laid on the table.

The bill to establish the northern boundary of Ohio, and to provide for the admission of Michigan into the union on certain conditions, was next taken up.

Mr. *Wise* moved to postpone the further consideration of the bill until Monday next, in order first to consider the bill to provide for the admission of Arkansas into the union. After a long debate, in which Messrs. *Wise*, *Thomas*, *Lewis*, *Cushing*, *Anthony*, *Patton*, *Sutherland*, *Boulden*, *Speight*, *Williams*, of Ky. *Sevier*, *A. Mann*, *Hardin* and *Vanderpoel* participated. Mr. *Boon* moved the previous question. The house refused to second the motion, 69 to 102.

The debate was continued by Messrs. *Adams* and *Wise*. Mr. *Wise* modified his motion so as to commit both the bill for the admission of Michigan, and the bill for the admission of Arkansas, to the committee of the whole on the state of the union, with instructions to incorporate the same in one bill. The debate was continued by Messrs. *Patton*, *Lewis*, *Vinton*, *Bynum*, *Thomas*, *Mercer* and *Briggs*. Mr. *Briggs* asked a division of the question, and said he was in favor of committing both these bills. Some further remarks were made by Messrs. *Bell* and *Anthony*, when Mr. *Hawes* asked for the yeas and nays, which were ordered. Mr. *Patton* asked the opinion of the chair as to the necessity of committing the bills. The *chair* decided that the bill for the admission of Arkansas must, in conformity with the rules, as it contained an appropriation for the judges, be committed; and that the bill for the admission of Michigan, although it contained no express appropriation, created a charge upon the treasury, and, therefore, came within the spirit of the rules and of former decissions, though he was not clear as to the necessity of committing it.

After some remarks from Messrs. *Speight*, *Vanderpoel*, *Mann*, of New York, *Reed*, *Patton*, *Briggs* and *Boon*, on the point of order.

The *chair* stated the question of order, and pronounced his decision thereon. He decided, in substance, that under the decision of 1832, on the bill providing for a reporter of the decisions of the supreme court, it was necessary to commit both of these bills. It was for the house to determine whether the decision of 1832 should be considered as the law of the house or not. He was of opinion that, if one bill required commitment, both bills required it.

[The debate upon the motions made by Mr. *Wise* was of considerable interest. The object of the motions was to get the bill for the admission of Arkansas into the union up for consideration before the bill for the admission of Michigan, with the view that, if the house should choose to restrict the people of Arkansas from holding slaves, an attempt would be made to have Michigan admitted without any restriction, so that slavery could be introduced into the heart of the frontier of the northern states. It was desired to have it ascertained, before the vote on the Michigan bill, what would be the fate of the slaveholding states, and whether the members from the north would violate the old Missouri compromise, and restrain Arkansas, as a southern state, from holding slaves.

The motions were objected to, as implying a distrust of the fairness and honor of northern men, for which no cause had been given. It was stated that throughout the session, upon this subject, the members from the north had shown a magnanimous desire to go with the south in settling the question, and securing the rights of the slaveholding states; and that it would be as just for northern men to suspect the members from the south of a desire to break faith upon the Missouri compromise as the suspicion already thrown out. It was urged that no fears could be entertained upon the subject. It was impossible to conceive that northern men would vote for the admission of Michigan as a non-slaveholding state, and then turn round, without regard to good faith towards the south, and oppose the admission of Arkansas, leaving the right to hold slaves unrestrained.

It was stated that this question divided the house into two parties, not political, but according to Mason and Dixon's line, and that no man nor any party ought to be trusted, upon assurances. The compromises of the constitution and the faith of the country ought to be held on upon by all that section of the country which had an interest at stake. After considerable discussion of this character, during which members were repeatedly called to order for entering into the merits of the bills, Mr. *Adams* gave notice that he considered himself bound by no compromise, and that, if nobody else made the motion, he would move to insert a clause prohibiting slavery in Arkansas.

The discussion then changed to the subject of the rules and orders of the house, upon the point, whether it was necessary that bills of this character should be committed to a committee of the whole, and several hours were spent in discussing points of order raised in the course of the debate.]

No appeal being taken from the decision of the chair, Mr. *Wise* withdrew his motion to commit with instructions, and, on his motion, the house went into committee of the whole on the state of the union (Mr. *Speight* in the chair) on the bill to establish the northern boundary of Ohio, and to admit Michigan into the union on certain conditions, and the bill to admit Arkansas as a state into the union.

The first named bill having been read through, Mr. *Taylor* of N. Y. offered an amendment changing the boundary line, which was lost. Several other amendments were offered—but without coming to a decision upon them the committee rose.

On motion of Mr. *Sevier*, the bill from the senate supplementary to the bill for the admission of Arkansas into the union, was included in the special order.

The house refused to go into committee of the whole on the state of the union on the bills for the admission of Arkansas and Michigan into the union—and then adjourned.

Thursday, June 9. After several ineffectual attempts to suspend the rules, a number of bills, chiefly of a private character, were reported, read twice and committed.

The house then, in further execution of the special order, went into committee of the whole on the state of the union, (Mr. *Speight* in the chair), and resumed the consideration of the bill to establish the northern boundary of Ohio, and for the admission of Michigan into the union, the following amendment offered by Mr. *Vinton* being under consideration.

"And provided, also, and it is hereby further expressly declared, that if the convention provided for in the 3d section of this act, shall not give the assent therein required, the boundaries of the states of Ohio and Indiana shall nevertheless be, and forever remain, fixed and established between them and Michigan, as the same are in this act above specified and described." A protracted debate now ensued, (which had not terminated when the Intelligencer of yesterday went to press), during which the

committee was addressed by Messrs. *Everett, Howard, Bond, Harper, Adams, Corwin, Vinton*, &c. &c.

[Pending this discussion, the committee temporarily rose, and the house considered and concurred in the amendment of the senate to the Indian appropriation and annuity bill.]

VOTES ON MR. PINCKNEY'S RESOLUTIONS.

HOUSE OF REPRESENTATIVES—MAY 25.

The report of Mr. *Pinckney*, from the select committee to whom was referred the abolition memorials, concluded with the following resolutions:

Resolved, That congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the states of this confederacy.

Resolved, That congress ought not to interfere, in any way, with slavery in the District of Columbia.

And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

Resolved, That all petitions, memorials, resolutions, propositions or papers, relating, in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

After this report was made, and on incidental questions concerning it, speeches were made by Mr. *Pinckney*, Mr. *Bynum*, and Mr. *Robertson*. As soon as the latter gentleman had concluded, the previous question was demanded by Mr. *Owens*, of Georgia. That question, after various intermediate proceedings already noted, was taken in this form, viz: "Shall the main question be now put?" and decided as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, Wm. K. Fuller, Galbraith, Gillett, Haley, Joseph Hall, Hamer, Hannegan, A. G. Harrison, Hawes, Haynes, Henderson, Howard, Hubley, Huntington, Huntsman, Ingham, J. Jackson, Joseph Johnson, R. M. Johnson, C. Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, G. Lee, J. Lee, Leonard, Logan, Loyall, Lucas, Abija Mann, Job Mann, William Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, F. Pierce, D. J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, S. Williams—109.

NAYS—Messrs. John Q. Adams, Chilton Allan, H. Allen, Bailey, Bell, Bond, Borden, Bouldin, Briggs, Bunch, W. B. Calhoun, Carter, G. Chambers, J. Chambers, Chapman, N. H. Claiborne, J. F. H. Claiborne, Clark, Corwin, Crane, Cushing, Deberry, Denny, Everett, Philo C. Fuller, J. Garland, Glascock, Granger, Grantland, Graves, Grennell, Griffin, H. Hall, Hard, Harlan, Harper, Hazeltine, Heister, Hoar, Holsey, Howell, Hunt, Ingersoll, W. Jackson, Janes, Jenifer, Henry Johnson, J. W. Jones, Lawler, Lawrence, Lay, L. Lea, Lewis, Lincoln, Love, Lyon, Martin, McCarty, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Phillips, Pickens, Pinckney, Potts, Rencher, Robertson, Rogers, Russell, Wm. B. Shepard, Aug. H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, W. Thompson, Towns, Underwood, Vinton, White, Whittlesey, L. Williams, Wise—89.

So it was determined that the main question be now put: and the speaker decided that the main question was upon agreeing to the above resolutions.

The question was taken separately on agreeing to each of them.

On agreeing to the *first* of them, the vote was as follows:

YEAS—Messrs. C. Allen, H. Allen, Anthony, Ash, Bailey, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Bunch, Burns, W. B. Calhoun, Cambreleng, Carr, Casey, G. Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, J. Garland, Gillet, Granger, Grantland, Graves, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hannegan, Hard, Harlan, Harper, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Henderson, Heister, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Joseph Johnson, R. M. Johnson, C. Johnson, Henry Johnson, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Gideon Lee, J. Lee, Luke Lea, Leonard, Lincoln, Logan, Love, Loyall, Lyon, Abijah Mann, Job Mann, Martin, W. Mason, M. Mason, Sampson Mason, May, McCarty, McComas, McKay, McKennan, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Parks, Patterson, Patton, F. Pierce, Dutee J. Pearce, Pettigrew, Phelps, Pinckney, Reed, Rencher, John Reynolds, Jos. Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, W. B. Shepard, A. H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Speight, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams—182.

NAYS—Messrs. Adams, Clark, Denny, Everett, W. Jackson, Janes, Phillips, Potts, Slade—9.

So the first resolution was agreed to.

The vote on agreeing to the *second* of the above resolutions was as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Barton, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Gillett, Grantland, Graves, Haley, Jos. Hall, Hamer, Hardin, Harlan, A. G. Harrison, Hawes, Haynes, Holsey, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jos. Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, J. W. Jones, Judson, Kennon, Kinnard, Klingensmith, Lansing, Laporte, Lawler, G. Lee, Leonard, Logan, Loyall, Abija Mann, jr. Martin, Wm. Mason, M. Mason, May, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Patterson, Patton, Franklin Pierce, J. A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Jos. Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Wm. B. Shepard, Aug. H. Shepperd, Shinn, Sickles, Spangler, Speight, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, White, Lewis Williams, Sherrod Williams—132.

NAYS—Messrs. Heman Allen, Bailey, Bond, Borden, Briggs, William B. Calhoun, Carr, George Chambers, Childs, Clark, Cushing, Denny, Everett, Philo C. Fuller, Grennell, Hiland Hall, Hard, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Hunt, Ingersoll, William Jackson, Janes, Benjamin Jones, Kilgore, Lane, Lawrence, J. Lee, Lincoln, Sampson Mason, McCarty, McKennan, Morris, Parker, Phillips, Potts, Reed, Russell, Slade, Sprague, Vinton, E. Whittlesey—45.

So the house agreed to the second of the above resolutions.

The question on agreeing to the *third* of the above resolutions was determined as follows:

YEAS—Messrs. Chilton Allan, Ash, Ashley, Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, W. K. Fuller, Galbraith, Gillet, Grantland, Graves, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Haynes, Howard, Hubley, Huntington, Huntsman, Ingham, J. Jackson, Joseph Johnson, R. M. Johnson, Cave Johnson, Henry Johnson, Kennon, Kilgore, Kinnard, Klingensmith, Lansing, Gideon Lee, Joshua Lee, L. Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Martin, W. Mason, M. Mason, May, McComas, McKay, McKeon, McKim McLene, Miller, Montgomery, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, J. A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Aug. H. Shepperd, Shields, Sickles, Smith, Spangler, Speight, Sprague, Standefer, Sutherland, Taliaferro, Taylor, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, White, L. Williams, S. Williams—117.

NAYS—Messrs. Heman Allen, Bailey, Beaumont, Bond, Borden, Briggs, Buchanan, William B. Calhoon, Carr, George Chambers, Childs, Clark, Corwin, Crane, Cushing, Denny, Everett, P. C. Fuller, J. Garland, Glascock, Granger, Grennell, Haley, Hiland Hall, Hard, Harper, Hazeltine, Henderson, Heister, Hoar, Holsey, Howell, Hunt, Ingersoll, Wm. Jackson, Janes, J. W. Jones, Benjamin Jones, Judson, Lane, Laporte, Lawrence, Lincoln, Love, S. Mason, McCarty, McKennan, Morris, Parker, Patton, D. J. Pearce, Phillips, Pickens, Potts, Reed, Robertson, Russell, Schenck, Shinn, Slade, Sprague, Steele, Storer, John Thomson, Vinton, Wardwell, Webster, Whittlesey—68.

So the third resolution was agreed to.

In reference to the above votes the Intelligencer of Tuesday last, say—In publishing the yeas and nays in the house of representatives on Mr. *Pinckney's* resolutions, to give a complete view of the votes, it ought to have been repeated (as had been before stated) that Mr. *Glascock*, Mr. *Pickens*, Mr. *Waddy Thompson*, Mr. *Robertson*, Mr. *Wise* and Mr. *Chambers*, of Ky. declined voting at all upon the resolutions, and that Mr. *Granger* declined voting upon the second resolution; which facts, as well as the yeas and nays, were ordered to be recorded on the journal of the house.

To the editors of the Intelligencer.

GENTLEMEN: Having reason to believe that the negative vote recently given by me on the resolution declaring "that congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the states of this confederacy," may be understood as implying that I hold the opinion that congress may *abolish slavery* in the states, I deem it proper to say that I entertain no such opinion. My vote was given on other grounds. The resolution declared, not merely

that congress has "no constitutional authority" to abolish slavery in the states, but that it has "no authority to interfere, *in any way*, with the institution of slavery," within their jurisdiction. I was not prepared to vote in favor of such a proposition, because I was not prepared to say that congress might not abolish the *slave trade* between the states. This is an "interference with the institution of slavery in the states," which, I am inclined to think, is within the constitutional competency of congress. The reasons for this opinion I should have given, if I had not been prevented by the extraordinary and oppressive application of the "previous question," which left me no alternative which I was willing to adopt, but that of giving a silent vote in the negative. The peculiar liability of that vote to misconstruction induces me to make this explanation.

I deem it proper to add, that I voted against the next resolution, which declares "that congress ought not to interfere, *in any way*, with slavery in the District of Columbia," not only because it denies the right of congress to abolish slavery here, but for the additional reason, that it also manifestly denies, and was, no doubt, intended to deny, the power of congress to abolish the *slave trade* in this District—a trade carried on in sight of the capitol, where this resolution was adopted, to as great an extent, probably, as in any other portion of the United States. Respectfully yours, WILLIAM SLADE.

June 6, 1836.

THE CREEK WAR.

The Georgia and Alabama papers are filled with accounts of outrages committed by the Creeks and their allies, the Uchees and Hitchatees, who are in no way deterred by the preparations which has been made to suppress them. A greater number of cold-blooded outrages have never been perpetrated on the frontier and the property destroyed was worth many millions of dollars. The war, however, must be speedily terminated, as Georgia and Alabama appear to be roused to a sense of their danger and the necessity of checking the savages, who, we fear, have been goaded to revenge by real or supposed injuries. The governor of Georgia has taken the field in person and established his head quarters at Columbus, and in all sections of that state volunteer companies are forming. Great efforts were also making to intercept any body of Indians that might attempt to join the Seminoles in Florida, whither it was feared the Creeks would retreat if hotly pursued. Indeed it was rumored that they had already penetrated that territory, and were destroying lives and property in all directions.

General Scott has been charged with the command of the Creek war, as will be seen by his letter published below, and at the last advices he and general Jesup were at Columbus organizing the troops, which were to march immediately upon the Creek nation.

The Charleston Courier of Friday the 3d inst. gives the following extract from a letter from Columbus, of May 30th—the latest news from that point:—no apprehension was entertained for the safety of that town, as there are about 1,500 militia in and about it:

"Since I wrote you, yesterday, nothing of importance has occurred. The Indians, however, last night burnt some farm houses on the Georgia side of the river, about fifteen miles below this. Several Indians came in yesterday, accompanied by a white man, and reported that they were from the camp of Ne-ha-Micho, the principal chief of the nation, and that Ne-ah-Micho and those with him, wished to be considered friendly, and were now willing to come in. They are still here, no steps having been taken or decision made in reference to them."

The latest. The Charleston Patriot of Saturday afternoon says:—

A passenger, arrived last evening by the rail road, states that a deputation of eighteen Creeks had reached Columbus, last Monday evening from Neamicho, the head of the tribe, supposed to be the *messengers of peace*, and that they had been detained there to await the arrival of general Scott and col. Jesup, but as our informant left Tuesday morning early, he did not know the result of the conference.

Some of the negroes which the Creeks had captured and who had escaped, state that the hostile portion of the tribe had made several attempts to cross the Chattachoochee for the purpose of getting into Florida, but that they had been prevented from effecting their design, in consequence of the high state of the river from the recent rains. They represent the force of the Creeks to be 1,200 warriors; this, however, is deemed an exaggeration by well informed persons in Columbus, who do not estimate their force at more than half this number. Provisions were very scarce in all that region of country.

From the Mobile Register of May 21.

Reports from the Creek nation crowd upon us from various quarters. They are in a high degree alarming, and give reason to apprehend a more extensive and daring combination than was thought possible. An urgent occasion has evidently risen for the embodying of a large force, and the subjugation of a dangerous and wide-spread rising among the Lower Creeks. They are reported, with every reason for belief in the accuracy of the reports, to be spreading destruction along the banks of the Chattahoochee, and to have reached Mariana.

The following articles are derived from various sources.

The heavy rains which have fallen on the Georgia frontier have so completely filled the swamps that the Indians have been compelled to remain on the high grounds, and will be more easily subdued by the forces sent against them.

Augusta, May 31—evening.

A letter from Columbus, dated 20th inst. states that "Mr. Hallett, of New York, who was reported to have been killed by the Creek Indians, between Montgomery and Columbus, escaped with his life, and had arrived at Tuscogee, after having wandered about the nation for four or five days.

"Governor Clay is at Montgomery very ill, confined to his room. Twenty men, under the command of general Patterson, were on the eve of leaving Montgomery for the nation. Alabama will have in the field about 6,000 men in the course of this week. Col. J. B. Hogan is with the Alabama troops, and will be at Fort Mitchell in a few days. Troops are coming in rapidly, and this evening major general McDougald will take his forces across the river and encamp on the Alabama side." [*Constitutionalist.*

The Creeks are said to be encouraged in their war upon the whites by the lamentable issue of the campaign against the Seminoles.

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We copy the following letter from gen. Scott, and the accompanying editorial remarks from the Richmond Enquirer:

Postscript. Since writing the above, we have received information which we deem so interesting to our readers, that we cannot withhold it from them:

First, we have been favored with the sight of a private letter from gen. Scott himself. It was never intended for the press—it was written so hastily that we can scarcely decypher it—besides, we have no time to ask the consent of his correspondent to its publication. But, for once, we *must take the responsibility;* and throw ourselves upon the kindness of his correspondent for our apology. It is certainly a letter that does credit to gen. Scott—and clears up some uneasy doubts, which old dame Gossip Rumor had thrown into circulation.

From gen. Scott, dated Savannah, May 22.

"I have just landed here from St. Augustine, which place I left suddenly yesterday morning. On the night of the 20th a letter reached me from the secretary of war, requiring me to hasten to the Creek country. The letter went by mistake with many others to a small town (Newnansville) in the interior of Florida, 35 miles north of Fort Drane. It was heard of accidentally, and an express sent, &c. Its date is April 15th. I go in the morning, by steam, to Augusta, and thence, without delay, *via* Milledgeville, to the Creek nation. Thank God! here an enemy may be reached, perhaps 10,000 strong! Nothing is wanted but a sufficient force; and the Georgians and Alabamians are assembling. I may have every thing to create, in regard to subsistence, and every thing to organize. So much the better—I like difficulties, and I hope to know how to conquer them. One of these difficulties is to conquer the prejudice excited against me by the publication of my letter of the 30th ultimo, in which I ask for 3,000 *good* troops *not* volunteers. Very well—I will, by the truth, conquer that difficulty—and conquer the Creeks too. I think the thing is in me—I feel so—it shall be done.

"Thank God again! I am nearly well. By the time I arrive at Augusta, I shall be able to ride 40, or march 30 miles a day on foot. Thank God! for a good constitution and a cheerful mind. Both shall be devoted to the country—body and soul.

"I have not a staff officer with me—save paymaster Kirby, and *he* is a good quartermaster general, inspector general and adjutant general. I am also without money to establish depots of subsistence, &c. &c. Some regulars are coming from the north! I could not take one from Florida."

In addition to this rapid sketch from general Scott's pen, we have understood, *since* perusing it, that further despatches have been sent to him at St. Augustine, which had not reached there before he left it—and that the orders of the secretary to gen. Jesup were, that he was to take command against the Creeks, if Scott was not there—and if Scott was there to command, he (Jesup) was to serve under him—that the secretary has every confidence that Scott will promptly and successfully terminate the Creek war. Measures have been taken to meet anticipated consequences. Troops to be stationed at Fort Gaines to cut off the Creeks from the Seminoles—arms, &c. are to be deposited at Highwassie, to meet any outbreak on the part of the Cherokees, though it was not seriously apprehended at Washington. As soon as the Creek war shall be ended, the Creeks, both friend and foe, (for who could satisfactorily distinguish between them)? are to be removed beyond the Mississippi—and orders have been given to gen. Scott to this effect.

We understand that despatches have gone on for general Call to take command in Florida, in case both generals Scott and Clinch should have left it; that gen. Call, as the governor of Florida, will be empowered to command one thousand of the volunteer troops, which are authorised to be raised under the late act of congress—and in case he declines the command, that gen. Parish, lately commissioned as a brigadier general of the territory may then take it. Hopes are entertained that with the judicious arrangements which Scott has made of the regular force, and with other measures, a summer campaign may be carried on in the more open country, and the Indians kept in check. Had gen. Scott had the advantage of procuring guides, as gen. Wayne, &c. possessed, to lead him to the enemy's encampment, the war would before this time have been over. But he could not obtain them in the time he had before him, and hence the failure he has experienced, which no courage or skill on his part could have prevented.

We learn with great pleasure that Scott enjoys the confidence of the administration. We are satisfied that he will deserve it.

WAR IN FLORIDA.

Our accounts from Florida are to the 27th ultimo, and represent the country as in a most calamitous condition, the people being completely at the mercy of the savages, who are spreading death and desolation in all directions. A letter dated Jacksonville, May 27, says—

"The sufferings and distresses of the inhabitants of East Florida are beyond description. The Indians have carried off Humphrey's negroes burnt Sparkman's house, fired on the men, and stole all the cattle in that neighborhood. Mrs. Monroe's house is also burnt. The road on each side of Gary's ferry is alive with people in rude huts and tents, protected from neither sun nor rain. It is heart-rending to see their melancholy condition. They look sickly, and are sick from exposure; their homes and provisions burnt and destroyed, their negroes captured, and they in daily expectation of seeing their wives and childeren butchered. There are not sufficient troops for adequate protection. No man has a dollar to leave his wife and children to get bread with whilst he goes into service. These people had no agency in this war, and their sufferings are referred to with indifference and derision at Washington, and with contempt by the officers of the government here. The people are too poor, and have not physical strength to go to Black Creek for a soldier's ration. The congress have voted two millions, and the Indians are neither chastised, nor the country protected. The money is gone to five thousand militia, who did nothing."

Another letter, dated on the 25th ultimo, represents the condition of the friendly Indians as equally distressing, and says that the Appalachola Indians are *starving!*

It is also stated that all the troops have been called to the north and west of the Creek country, and that the U. States have not a soldier between the Creeks and Florida; and further, that there are not two hundred men, all told, between the Creek country and Tallahassee. This extraordinary state of affairs has necessarily caused great alarm in Florida, and earnest appeals have been addressed to the government for protection. In reply to which, as we see it stated in the Tallahassee Floridain of the 21st, letters have been received by the governor of Florida from the war department, assuring him that the most active measures would be taken for the defence of the frontier, and perhaps, to carry the war into the enemy's country, and at least drive him beyond the Wythlacoochee; that 1,000 stand of arms and 50,000 cartridges are on the way from Mobile, and that 700 stand from Tampa, and also 200 United States soldiers had already arrived. The same paper says that a proposition has been lately made to introduce the Cuba Bloodhound to aid in the war against the Indians.

The following letter from lieutenant Walker gives the particulars of the death of captain Holloman and the attack upon the block house, which were briefly alluded to in our last. It evinces a most heroic spirit of resistance on the part of the gallant lieutenant and his brave followers, concerning whom much interest was felt, as, at the last dates, the boat they had was seen at the mouth of the river cut in two and a very large number of Indian fires in the neighborhood. The inference to be drawn is that the Indians are in great force in the neighborhood, and have either massacreed the poor fellows, or have them in complete check. The commanding officer at Fort Drane had been advised of their exposed condition by the governor of Florida, who recommended him to proceed to their aid—provided he could do so with a large force. But he has not sufficient number of men for the purpose.

Camp McLemore, May 10.

Major McLemore: Dear sir: We have remained here the whole time since you left us, and were attacked on the 12th April, at the dawn of day, by a large body of Indians; since which time, we have been surrounded by them, almost continually, and have had upwards of 20 fights with them, and have had only two of our men killed, Eli Sely, on the 13th of April, and captain Holloman, on the 3d of May, and five others slightly wounded. The loss of the Indians, I think, is 15 or 20 killed. On the 15th April we had an engagement with 400 or 500 Indians, which lasted 2 hours and 45 minutes, during which time, they got possession of our flat, which drifted down the river, and was destroyed by them. So we have no means of getting away from here, without relief from some source, as we have not a man who knows the geography of this country.

We are entirely out of every necessary of life, except corn and water, and know not when to look for relief, as the time which you appointed has elapsed, by 10 or 12 days, and we have not heard or seen any thing of the army; or any other person, except Powell's yelling devils, and their yells would have been silenced long ago if we had men enough, for you may rest assured, dear sir, that there are some fighting souls here. Poor fellows, it is a great pity that they should ever starve—for they have fought well.

The sending this express is full of danger, and has been delayed on that account, hoping that the boat might come to our relief, till we have given it out. I am under the belief that general Scott wrote to you that he would come and get the corn which you brought here for the army, and relieve us himself; this is perhaps the cause of the long delay of the boat; but, sir, we are here suffering, and hope you will come or send some person to our assistance as soon as possible. Yours, very respectfully, L. B. WALKER, *lieut. com. company A.*

Major *McLemore.*

St. Augustine, May 26.

Pursuant to the orders of the governor, the militia of the territory, east of the St. Johns river, have been called out, and nearly all volunteered themselves to serve for a period of four months. A company of mounted men, and one of foot, have been formed, consisting of 60 men each. They go out with a spirit and determination to wipe away the foul aspersions that have been cast upon them.

Captain Dimick and lieut. Ervin's companies of U. States troops, were sent out to scour the country around St. Joseph's last week—they returned on the 19th, having scoured the country for twelve miles on the Volusia road, without having discovered any fresh trials. A negro man who had been taken a prisoner by the Indians, made his escape from them, and was found in the woods by the troops. He states that the Indians were well provided with every thing they required, ammunition, pork, bread, rice, beef, &c. The main body of the Indians east of the St. Johns, were encamped about 20 miles south of Spring Garden, and a party of 30 were at Tomoka.

The St. Augustine Herald of the 28th ult. says—

"We learn that every building between Black creek and Newnansville has been destroyed by the Indians; the posts of Fort King, Fort Drane and the settlements of Micanopy and Newnansville will have to be abandoned, because it will be impossible to maintain them."

From the Savanah Georgian, May 31.

The steam packet *Florida*, capt. *Hebbard*, arrived here yesterday morning from Picolata *via* Jacksonville. We learn that a few days since a large force of Indians, (some say 200), appeared near the Fort at Micanopy, and fired upon the fort. A man formerly of capt. Merchant's company, U. S. artillery; was, it is said killed and scalped last week, near Micanopy. He has been engaged, of late, as a wagoner.

We understand that Picolata will be retained as a post so as to inspire confidence in the planters below that place, and not compel them to leave their plantations to the unsparing savage. Mr. Hickman, it is now said, has not abandoned his place, a few miles from Jacksonville, as stated in the Charleston papers.

A few tracks of Indians have been lately seen on the road from Picolata to St. Augustine, with some tracks of cattle, which it is supposed they have been engaged in driving off.

Since the above was in type we learn that the fort (as stated above) fired upon by the Indians, is the court house at Newnansville which is fortified and contains a large number of women and children.

TEXAS.

Gen. Houston, who is said to be in bad health, accompanied by a number of Texian officers, arrived at New Orleans on the 23d ult. He brings official information of the capture of Santa Ana, and also of the battle of the 21st of April. According to a statement in the True American Santa Ana was at Velasco under a strong guard, and had offered an armistice, which had been refused. It is also said that he had made further offers to acknowledge the independence of Texas, making the Rio Grande the boundary, and remaining a hostage until the United States government should consent to guaranty the treaty, and it be approved of by the senate of Mexico.

The Texian army was left under the command of gen. Rusk, secretary of war, and has accumulated, according to the same authority, to 1,800 men, and was crossing the Brassos flushed with victory.

The Mexican army under Sesyma, and others, had all concentrated, and amounted to 2,500 men, the remnant of 7,000 that had entered Texas; they were crossing the Colorado by rafts and swimming, and were in the utmost confusion; those that escaped having reported that the late battle was fought by 5,000 Texians. Col. Burlinson was close to the enemy with 200 cavalry, and they were retreating before him; 250 Mexicans had surrendered (burying a piece of cannon) to two officers and 50 Texian soldiers, and all was panic and confusion in the Mexican army.

Texas was considered safe, and the war at an end, as the Mexican army would probably be totally destroyed.

General Santa Ana has presented to gen. Houston his cane and saddle; he was recognized by gen. Zavala, and hundreds of others had identified him; the Mexican prisoners also shouted, when he was brought in, *viva Santa Ana.*

MEXICO.

The ship congress, at New York, from Vera Cruz, brings papers from Mexico to the 7th of May. The recent report of a revolutionary movement in the republic, was without foundation. News of the defeat and capture of Santa Ana had not been received at the capital—or, if received, had been suppressed. Meantime their journals are boasting of the triumphs their arms are to achieve in Texas. Official accounts had been published of the capture and slaughter of Goliad. The massacres are justified on the ground that a nest of serpents which they have received into their territory must be exterminated. It appears, moreover, that the putting to death of prisoners were done in consequence of a circular addressed to the officers by the Mexican government. The Mexican revenue was falling short. Mr. Ellis, the new American charge, arrived at Mexico on the 28th of April, and was well received by the Americans.

OFFICIAL DOCUMENTS.

As an act of justice to major general Scott, we publish the following official letter, recently received at the war department, from that officer: [*Globe.*

Head quarters, army of Florida, St. Augustine, May 11, 1836.

SIR: Much indisposed, I have been waiting for the arrival of a steamer in order to write to you, for I have much to report and to explain. After a long delay the boat is come, and yet I am scarcely able to hold up my head for twenty minutes at a time. With this you will receive a copy of brigadier general Clinch's report of his march from Tampa Bay, and copies of several other letters from the same source.

It will be seen, from the latter of those communications, that the Indians have already recommenced their depredations and murders in the Fort Drane vicinity, and that there is but little hope of embodying any respectable number of the inhabitants, as mounted men, to aid in their own defence. I had, under the circumstances, authorised Clinch to raise, in the usual form, and to muster into service, eighty or one hundred. Such addition to the nine companies of United States troops there would, I suppose, be sufficient to scour and free that frontier of the enemy, an order having been given by me to remount Wharton's detachment of United States dragoons from the spare horses of the wagon train. I learn that about sixty mounts can be furnished him in all.

I have consented to retain Fort King, and many days ago approved of the reinforcement of an additional company being sent there.

The resignation of brigadier general Clinch was forwarded a week ago. The army will lose in this officer one of its best commanders. In the same package a like tender on the part of capt. Thruston was forwarded. On the earnest solicitation of each, founded on private interests of the utmost importance, they were allowed to retire (about this time) from the army, and to await the decision of the war department. I soon afterwards learned that captain Thruston would much have preferred a leave of absence. If his resignation has not been accepted I trust that such indulgence may be accorded. He is highly gifted for any kind of war, but, from his knowledge of this country and the enemy, he would be of the greatest value on the recommencement of hostilities. Perhaps, with handsome promotion, he may be permanently retained in the army. He is worthy of a lieutenant colonelcy.

When Clinch shall retire, the command in that quarter will devolve on lieut. colonel Bankhead, every way capable, if his health were better. He is very infirm, from extreme fatigue, and I learn, can scarcely walk or mount his horse. Brigadier gen. Clinch recommends him for leave of absence for the recovery of his health, and as soon as I can spare major Gates or major Heileman, I shall send a leave to the lieutenant colonel, whose recent services, independent of all former claims, entitle him to high consideration.

I enclose a copy of my order, No. 46. Gen. Eustis is engaged in mounting two companies of his regiment, using the horses of his baggage train with wagon saddles. Some few common saddles will be purchased to complete the number wanted.—About 85 mounted men may thus be obtained with very little cost to the United States, for the horses will be wanted on the return of cold weather, and in the mean time they could not be sold this side of Tallahassee for ten per centum of their value.

The two mounted regular companies will be worth more than twice the number of foot. The men are now a little awkward in the saddle. In a week they will be quite respectable, and after two months, twice as effective as mounted volunteers.—Forty men of Dimmick's company, the only one here at the time, was hastily mounted on the 7th, and sent to pursue a trail seen about five miles from this place. The citizens who went out as guides after travelling some eight miles, declared that the signs were simply those of the country cattle, and the captain returned.

On the morning of the 8th, we received a report that a party of Indians were at the Matanzas; had captured the slaves of Hernandez and Dupont; and would no doubt destroy the fixtures of both plantations. Capt. Dimmick was again hastily mounted and despatched. At a little distance from Dupont's place, a small party of the enemy were overtaken; at least three killed and seven wounded. Dimmick lost a private killed, and had a sergeant and three privates wounded. Two of his horses were also killed. The Indians, as usual, availed themselves of a near hammock, and fought better than they have commonly done. They lost their horses and packs, of which they had robbed the plantations. All Dupont's negroes escaped, but the enemy had secured three belonging to Hernandez. It is hoped they will also escape on being next approached by the horse.—Lieut. Irwin, with Saunders's company, which it is proposed to keep mounted, will march out to-morrow to Dupont's place, where a company of foot will be placed in garrison. The families and negroes I hope will be soon reassured. Every thing south has been long destroyed.

The handsome check given to the enemy on the 8th, will render him more cautious. Without horses, succor would not have arrived till the neighborhood had been desolated.

Both on the 7th and 8th, application was made for volunteers from the South Carolina foot. One man marched with Dimmick the first day; the same man and six others the second.—The time of these troops being out between the 8th and the 20th, no more would volunteer, either to go by water, on foot, or horseback. On inquiry it was found useless to issue an order, as col. Brisbane could not pledge himself that it would be obeyed. He was, on the contrary, certain that it would be disregarded. Goodwin's regiment of horse was already across the St. John's at Jacksonville, and the remaining companies of regulars (four) were at Picolata, engaged in handling and securing the public property at that depot. Merchant's company had a few days before gone to Gary's ferry, where it will establish itself for the summer, &c.

I have been using every measure in my power to cause a company of mounted volunteers to be raised on this side the St. Johns, to aid the inhabitants to defend the country. I would prefer that the company should consist of at least sixty-four privates, but have offered to accept one with forty, and give it three officers. It is very doubtful whether that minimum can be engaged. With such company, under tolerable officers, the two companies of mounted regulars, and the three of foot, I do not doubt that entire security may be given to the whole of the remaining settlements.

The little United States steamer, the Essayons, will be useful in effecting the same object. By frequently passing up the river as far as Lake George, it will be rendered very hazardous for parties of Indians to cross the river to join in depredations in the Alachua frontier, or on this side of the St. John's. The parties which infest those districts cannot, I think exceed one hundred and fifty in the whole. Sixty Indians, however, but for the presence of regulars, would depopulate this part of the territory in a season.

I have received no report from colonel Smith, who from Tampa, went up the Peas creek; none has been received from colonel Lindsay, who was left on the 20th ult. on the big Wythlacoochee, preparing a fortified camp for his wagons, before scouring the forks. From the bad dispositions of the Alabama regiment, his principal force, I expect to hear that the duty of that column has been slurred over.

But the most extraordinary and disgraceful delinquency committed by any corps has occurred in the expedition entrusted to major Reed. He has not condescended to report to me; but from governor Call's letter that was forwarded to Washington, I infer that the major scarcely looked into the Wythlacoochee.

His written orders, drawn up by col. Gadsden, directed him to "penetrate as far into the interior as may be found practicable, and consistent with the security of your command." And I said to him on each of the two following days, in the strongest and most precise terms, that he would ascend the river to the first impediment in its navigation, which was understood to be 12 miles up. I desired him to sketch the windings and the banks of the river, and particularly to note a site, with wood at hand, and as near the fall as practicable, *for a military post*, the importance of which I fully explained. This man has at Tallahassee, caused a statement to be made, declaring that I had refused him permission to ascend the Wythlacoochee; and again presuming the statement to have been furnished by him, he denies having ever heard that possibly he might find a block-house and garrison established near the falls of the river. Now, I affirm, that it was generally known throughout the right wing of the army, that it was just possible that major McLemore (a highly meritorious Floridian) had made such establishment. The possibility was mentioned to major Reed; and although col. Gadsden by accident omitted the subject in the letter of instructions, yet when the major saw half of a flat rudely cut in two, that which was extremely doubtful before became a matter of the most perfect certainty; and if the major had been bound home without other orders, it immediately became his imperious duty to go instantly to the relief of his countrymen. The flat could never have belonged to the Indian; and it would not have been destroyed, if the garrison had returned by water to the Suwanee, and major Reed knew it could only have returned by water.

Associated with such officers and men, no man's honor is safe. An act of sheer cowardice is supported by at least two distinct falsehoods.

I must again repeat, that although I believe that 800 or fewer regulars might easily beat the whole of the Seminole warriors, *if they would stand*, yet at least 3,000 of the best troops are required to finish this war.

I have written the foregoing, sick and in haste. In a few days I hope to be well again, when I shall attempt to give succinctly the causes which have defeated my operations, the first of which is the late day on which I was ordered to Florida. I remain with respect, your obedient servant,

(Signed) WINFIELD SCOTT.

Brig. gen. Jones, adjutant general U. States army.

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The following documents, which accompanied major general Scott's recent official report to the war department, show what measures, at the date of that despatch, had been taken by the commanding general for the defence of Florida.

Head quarters, right wing, Florida army, Fort Drane, 27th April, 1836.

SIR: My report of this date will inform you of the operations of the right wing since we left Tampa Bay. The four companies of mounted volunteers from Georgia have been ordered to return to their homes. The two companies from Augusta, commanded by captains Robinson and Bones, took up the line of march this morning for Augusta, via Picolata; and the Louisiana volunteers left sick at this post when that gallant

regiment left this, will march in the morning under the command of lieutenant Wright, with the wagon train, for Gary's ferry, there to await your orders and transportation. There will be upwards of one hundred men who will leave in the morning; that will require transportion on their arrival at Gary's ferry. The disposition of the regular troops, so as to give the greatest protection and security to the inhabitants and their property, is one of much difficulty, and owing to my peculiar situation is one of great delicacy, but it must be met. As it is generally considered that occupancy and defence of this post is one of much importance to the military operations against the Indians, I have deemed it necessary to garrison it with five companies of artillery and captain Wharton's company of dragoons, from which a strong detachment will be sent to protect the property and provisions at Oakland, about fourteen miles northeast from this post.

I would strongly recommend the remounting of the whole of captain Wharton's company with the least possible delay, as I consider it impossible to give quiet and protection to the country, without this species of force to aid and assist the troops acting as infantry. I shall order one company to take post at or near Micanopy, and the remaining company to Fort King; and I do not think this force sufficient to keep the Indians within their former limits, without the aid of one hundred and fifty or two hundred mounted men from the adjacent counties. It is believed, that if proper encouragement is given, that two or three companies of mounted volunteers can be raised for the period of six months, as many of the inhabitants will be prevented from making crops this year, and will, of course, be out of employment; and if not employed by the government, will be compelled to leave the country with their families. These men are well acquainted with the country, and could, with the assistance of the regular troops, scour that part of it lying between the settlements and the enemy, so as to deter them, except in very small parties, from harassing the settlements. These men should be permitted to subsist themselves and horses as far as practicable, should they prefer doing so, as it is believed this plan would be most convenient to themselves and less expensive to the government, as their horses could do with very little corn when well grazed.

I would, therefore, respectfully, but strongly recommend the raising of this force as soon as practicable, and of stationing it at some point that will give the greatest protection to the country. About 2 o'clock on the morning of the 20th instant the Indians made an attack on this place, but were met and repulsed by the garrison, commanded by captain Lendrum. They succeeded, however, in carrying off three of my negroes and seventeen public horses. On the night of the 25th inst. the cotton and gin-house belonging to col. McIntosh, was burnt, and the loss estimated at about five thousand dollars. The accompanying letter contains all the information received from the command established on the Wythlacoochee, and unless relieved by major Reed, I am fearful their situation will be a critical one. The major must, however, have reached that point long ere this. I am sir, with high respect, your obedient servant, (Signed) D. S. CLINCH, *brig. gen. U. S. A.*

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Head quarters, army of Fla, St. Augustine, May 7, 1836.

SIR: I have had no intelligence from the vicinity of Fort Drane. The last was orally received by captain Brane.

On reflection, I am now willing to receive into the service of the United States, for six months, unless sooner discharged, one company of mounted Floridians, to aid in the defence of the Alachua settlements. This force to be accepted, must be strictly organized according to the act of 1792, viz: 64 privates, four corporals, four sergeants, two musicians, one captain, one first and one second lieutenants and one ensign or cornet. The two musicians are not indispensable, and more than 64 privates, say 70 or 80, would be received with the four officers. My meaning is that the number of officers must not exceed four to sixty-four privates. If a force of that extent can be raised in the Alachua settlements, let it be done as soon as practicable, and let application be made to the governor for the commissions of the officers. Without waiting for the instructions of the war department, I will instantly cause the company to be mustered into the service of the United States.

With Wharton's detachment of the United States dragoons, light companies of the United States foot, and the proposed company of mounted men, I am persuaded that the Alachua settlements may be easily defended till the return of the season for recommencing active operations against the enemy.

Please cause a copy of this letter to be sent to the governor of Florida, and let it be generally known, in the neighboring settlements, that a company of mounted men are wanted and will be accepted. Correspond with such individuals as may be known to be willing to aid in raising that force, and give all the encouragement in your power.

I have acted on but few applications for leave of absence which have reached me from the neighborhood of Fort Drane. A few only of the officers, who have obtained certificates of disability, may be permitted, in extreme cases, to retire, and to make their application to me at this place.

A steamer, (the Cherokee), is now at Picolata, to receive discharged troops there or at Gary's ferry; she will be detained a few days longer, to await the arrival of major Cooper's battalion. I remain, with great respect, your most obe't servant.

(Signed) WINFIELD SCOTT.

Brig. gen. Clinch, or U. S. officer commanding Fort Drane.

Head quarters, army of Florida, St. Augustine, May 11, 1836.

[Order No. 46.]

The commander of the left wing will immediately cause to be mounted two of the companies of the United States artillery of this wing, using for that purpose the horses of the baggage train.

The companies under a system of instructions which will be framed, will be immediately imployed in patrolling and scouring the frontiers and other exposed settlements this side of the St. Johns.

The three remaining companies of the same regiment will be placed in such positions as to afford the best points of support for the mounted companies.

By command of major general Scott.

(Signed) J. E. JOHNSTON,
A. D. C. and A. A. adjutant general.

GEN. SCOTT AND THE VOLUNTEERS.

Augusta, May 26th, 1836.

SIR: Every officer must be aware of the jealousy with which a soldier regards his reputation. You have, no doubt been informed of the impression which has been produced by your official communication of the 30th ult. in which the expression "good troops (*not* volunteers")) is used.

I have never thought, for a moment, that you intended to cast, by that expression, the slightest imputation of a want of patriotism or bravery upon the volunteers during the late campaign—from what repeatedly occurred in our intercourse during our trying and arduous service in Florida, I feel satisfied that you will be happy in being afforded an opportunity to correct any misrepresentations which may have gone abroad.

I have thought it due to myself, and the battalion which I had the honor to command during the campaign, to place the subject before you. I have the honor to remain your obedient servant, E. M. ROBERTSON, *capt. com. the Augusta battalion of volunteers in the late Seminole campaign.*

Maj. gen. *Scott, U. S. A.*

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Head quarters, army of the south, Augusta, May 26, 1836.

DEAR SIR: I am very greatly obliged to you for your kind and manly letter of this date. It gives me a direct opportunity of doing justice to the brave men, generally, whom I have recently had the honor to command, as well as myself.

The letter to the government which by an easy mistake, has given so much offence, was written at Picolata, under the sound of the call, that hastened the fine battalion of Augusta volunteers, under your command, on board the steamer which was to take them to their homes. Writing by that opportunity, and in the midst of other occupations, I had not even time to read what I had wrote. Hence the very careless, and inaccurate phrase quoted by you.

At that moment, the volunteers who were then, or who had recently been in Florida were scarcely in my thoughts. My mind was intensely fixed on a plan and the means of renewed operations against the Seminole Indians—modified according to my then better knowledge of them and their country. Having become satisfied that it would continue, as we had found, to be the policy of that enemy to remain scattered in small parties and to avoid a general battle—thereby protracting the war almost indefinitely, that it would be extremely difficult, even with three thousand veteran troops, in a country abounding in fastnesses, to put an end to the war in a single season; learning that a bill was before congress raising a large body of volunteers—(I knew not for what time)—and feeling confident that in such a war, three months' men, six months men, or even men engaged for twelve months, would not suffice, I was in haste to give my suggestions to the secretary of war; in order that, if approved, the necessary bills might be asked for of congress at once.

Following out the idea that old troops, or troops with a long term of service, were indispensable, I added, in the next paragraph, that regiments of recruits, although regulars, would not do, but if recruits, in sufficient numbers, were mixed with old soldiers in June or July, they would become efficient by the following December.

I can truly say that it was strongly on my mind, when in the act of writing the unfortunate letter, that it would be unreasonable to call on the gallant and patriotic to volunteer for another campaign in Florida, where nothing but hardship and suffering can be expected, unrelieved by the hope of battle and the glory consequent upon victory.

The latter is the only incentive that can long cheer and animate volunteers in a war not immediately connected with the defence of their homes and liberties.

As to the general proposition whether disciplined or undisciplined troops be the best for war in general it was not my purpose at that moment either to discuss or state. A body of volunteers kept long in the camp and field will be better disciplined, and there more valuable for any kind of war, than regiments of regular recruits. For example, that is, in general, the eldest, corps whether regular or volunteer, will always be found the best instructed or the best disciplined; and of course the best prepared for the ordinary purposes of war. The exceptions are only found in wars which put homes and liberties in danger; and in these militia, suddenly embodied, and even regiments of recruits hastily raised, have in a very great number of cases, been found an over-match for science and disciplined valor.

In conclusion, allow me to repeat from the heart, what I have substantially said to the war department, no man can have for the volunteers from South Carolina, Georgia, Alabama and Louisiana, whom I have lately had the honor to command, a more cordial esteem than I entertain. There are hundreds and hundreds, of them, whom I should be most happy to call friends; for I know them to be generally men of high honor, patriotism, intelligence and individual courage.

Such are my honest sentiments, and I have great pleasure in communicating them to one whose courtesies to me on the present occasion, alike command the high respect and esteem,

With which I am sir, your obedient servant,

WINFIELD SCOTT.

To capt. *E. M. Robertson, late commander of the Augusta battalion of volunteers.*

OFFICIAL—FRENCH INDEMNITY.

From the Globe.

The agent of the United States in Paris having received from the government of France the sum of 18,486,666 52 francs, on account of the indemnity of 25,000,000 francs, under the treaty of July, 1831, the amount of which is now in the course of transmission to this country, the claimants holding certificates from the treasury department are hereby notified that the bank of America, in behalf of the United States, and by authority of the secretary of the treasury, will advance and pay on the 15th June next, a proportional part of their respective certificates, equal to at least the ratio of 50 cents on the dollar of the above mentioned sum received by the agent in Paris, together with the same ratio of the sum there deducted, and to be repaid here out of the treasury of the United States; being 1,180,000 francs. The said certificates must be presented at the bank for that purpose, by the parties to whom they shall have been issued, or by their legal assignees or duly constituted attorneys.

The residue of what has been received in Paris, and of the sum deducted there, will be paid out here, as soon as the former arrives, and the net proceeds of the whole can be ascertained.

Treasury department, May 25, 1836.

TRANSLATION.

For the Globe.

Chamber of peers of France, Thursday April 7, 1836.

COUNT DE TASCHER: An extraordinary appropriation of seven millions of francs is asked to meet the extraordinary expenses of the marine department. Among the circumstances which, according to the report of your committee, rendered these expenses necessary, were considerable armaments, judged requisite for maintaining the honor and dignity of France. Thank God, wisdom has triumphed over national susceptibility, and harmony appears to be restored between two nations which have every reason for esteeming each other.

Imitating your committee in its reserve, I shall not examine whether it be necessary to keep up the increase of our maritime armament; but another subject, which indeed occasioned those armaments, seems to me worthy of the attention of the chamber.

The law of June 14, 1835, says:

"Article 1. The minister of finance is authorised to take the necessary measures for the execution of the first and second articles of the treaty signed on the 4th of July, 1831, according to which the sum of 25,000,000 francs is to be paid by France. The payments of the said sum cannot be made until the government shall have received satisfactory explanations with regard to the message of the president of the union, dated December 2d, 1834."

Gentlemen, I am, as you are, confident that the government has received such explanations as it should have received, since the first payment has been made, by virtue of a royal ordinance. Does it not however, appear to you, gentlemen, proper to request the ministers to enlighten the chamber of peers as to the nature of the explanations which, by the terms of the law, were to be given before payment could be made?

The minister of foreign affaires, M. Thiers. It is true that the first payment of the indemnification consented to by the chambers in favor of the United States of America, has been made, and that a royal ordinance, contained in the *Bulletin des Lois*, authorises the payment of 18,400,000 francs.

The honorable M. Tascher asks whether the government has received the satisfaction provided for by the law, adopted during the last session. The satisfaction is well known to all France—I may say to the whole world. It is contained in a document which is celebrated, because it has terminated a deplorable quarrel. This document contains the explanation of a disagreeable misunderstanding which might have divided two nations made for esteeming each other. The chambers themselves have appeared to consider this document in the sense in which it is understood by the government; they have appeared to see from it, that the honor of France had been by no means stained by a preceding message. They have understood that the satisfaction could only have come through the same channel by which the offence came, if offence there were; and that the satisfaction given was the most honorable and proper which could have been expected.

In this sense the government intrepreted the message. There was but one ground for fear; which was in the uncertainty as to the answer which our government might make to this message; the new message might retract what was said in the former. The payment was therefore suspended. As the last message respecting the measures proposed to the congress of the United States contained nothing of which France could complain, the French government could not but pay the instalments due.

The viscounte Dubouchage was not satisfied with the explanations given by the minister. The message was known in France when the king made his speech at the opening of the session of the chambers; the chambers did not consider the explanation satisfactory, and in their replies expressed a hope that the government would obtain other explanations. Moreover, while waiting for the explanations, the minister, on the 27th January last, proposed an appropriation of 7,500,000 francs to meet, not only the expenses already occasioned by the misunderstanding between the two governments, but also to prepare for the chances of a possible war between them.

[This speech is very long and diffuse, merely intended to impress upon the chambers the unsatisfactory nature of the explanations, and to charge the ministry with yielding too much to the interests and influence of Great Britain.]

The minister of foreign affairs replied:

If I have completely understood the objection made by the last speaker, it consists in this: that when the message of 2d of December last was made known, it gave such slight indications of the termination of the quarrel, that the expressions used by the chambers were dubious, and the language of the government very reserved. Nothing, indeed, showed that the quarrel was at an end. Well, I will now tell you the motives for this reserve.

If, on the said 2d of December, when the message appeared, it could have been believed that it was impossible for a new message to be sent, I think that the government as well as the chambers would not have failed to declare itself perfectly satisfied. What prevented it from doing so was, that Mr. Barton had not yet arrived in the United States, and that a new misunderstanding might yet take place. As soon, however, as it was known that Mr. Barton's arrival had not been misinterpreted, that no new difficulty had arisen, and that the mediation had been accepted by both parties, then France declared herself completely satisfied, and in so doing showed her wisdom, her honesty and her sense of propriety. I know that some objections might be raised; we are accustomed to them; but I think that the great mass of good citizens will applaud the termination of so deplorable an affair. These were the motives of the government. (Great applause.)

BRITISH HOUSE OF COMMONS, 15th MARCH.

Occupation of Cracow. Sir Stratford Canning addressed the commons in a speech of considerable length on the occupation of Cracow by the three protecting powers, as they were called. He contended that this proceeding was in direct violation of the treaty of Vienna; and though in this instance the victim was but a small state, it behoved England to see to the due performance of treaties to which she was an influential party. There was not the slightest pretence for this outrage on a dependent state; and there was reason to believe that it was deliberately resolved upon as far back as 1833, though no notice of such an intention had been given either to this country or to Cracow.

Lord Palmerston said, that the original sweeping demand of the three powers for the expulsion of all Polish residents in Cracow, who could be claimed as their subjects, had been mitigated. The terms of the treaty of Vienna justified them in demanding the expulsion of persons from Cracow whose names were given and whose offence was proved. But in this case no sufficient justification had been offered for the violent measures adopted towards Cracow. He had received no official communication on this subject from either of the three powers. He had written to English ministers abroad for information, but had not yet had time to consider their answers, so as to enable him to take any steps on the subject. He could not avoid observation, that the selection of Austrian troops for the occupation showed good feeling and discretion on the part of the three powers.

Mr. O'Connell said, the three protecting powers were three *plundering* powers, who had been guilty of the grossest violation of treaties.

It had indeed been suggested by the noble lord as a circumstance in mitigation, that Austrian troops had been marched into Cracow instead of Russian. This reminded him of the story of a Spanish nobleman who, having been sentenced to be hanged, complained that to carry such a sentence into execution on his person would be a violation of the rights of nobility; whereupon it was decreed that he should be hung by a silk rope instead of a hempen one.

This country felt deeply with respect to Poland—

A feeling for the sufferings of Poland was working in the mind of the public all over Europe; and the despots with their armed power little knew what might be the consequences of the wrongs they were perpetrating. A moral effect was in operation from city to city and town to town; and it would be found that this power of Russia, which resembled a monster with its arms of steel and its front of brass, but its feet of clay, along with other despotic powers which were attached to it, would meet with a fate which would serve as an example to the rest of the world.

Mr. Hume asked what was the use of having ministers at Berlin and Vienna, if the moment they heard of this transaction they had not sent information of it to lord Palmerston, who said

he could not act for want of information. He hoped that when the papers were laid on the table, the house would declare in the plainest manner its sense of the conduct of the guilty parties.

Lord John Russell did not agree with Mr. Hume. He thought it impolitic to pass a strong resolution, unless the house was prepared to go farther. Declarations, not followed up by distinct acts, did not add to the dignity or reputation of a public assembly.

The discussion was soon after closed.

MARYLAND.

INTERNAL IMPROVEMENT BILL.

A bill entitled an act for the promotion of internal improvement.

Sec. 1. *Be it enacted by the general assembly of Maryland*, That if the Chesapeake and Ohio canal company, and the Baltimore and Ohio rail road company, in general meeting of said corporations respectively assembled, shall approve, assent and agree to the several provisions of this act, so far as they are applicable to said corporations respectively, and shall severally communicate said approval, assent and agreement under their corporate seals and the signatures of their presidents, to the governor of this state on or before the first day of August next, the treasurer of the Western Shore of Maryland shall subscribe to the capital stock of each of said corporations the sum of three millions of dollars, and pay for the same in the manner and upon the conditions hereinafter mentioned, and from the date of said subscription the stipulation heretofore made by the act Baltimore and Ohio rail road company, and so much of the act of assembly heretofore passed, restricting the said company from proceeding with the constructing of its rail road in the valley of the Potomac river, above Harper's Ferry, until after the Chesapeake and Ohio canal company shall have finished its canal to Cumberland, or otherwise, or the time limited by law for its being completed to said town shall have elapsed, as imposes said restrictions or is inconsistent with the provisions of this act, shall be null and void, and the said rail company may thenceforth proceed with the construction of its work *pari passu* with, but without preceding, the construction of the said canal or its works in the said valley where the said rail road and canal or their works will be in juxta position: and at all the passes of said river where the said canal and rail road must, from the nature of the ground, be brought into contact, the construction of said canal and rail road shall proceed jointly upon such plan and for such a distance as the commissioners whose appointment is hereinafter provided for, shall determine: *Provided*, That if either of said companies shall neglect or refuse to proceed with its portion of said joint constuction, for the space of sixty days after the plan thereof shall have been so determined, and notice thereof given to them by said commissioners, it shall be lawful for the other of said companies to proceed independently to construct its work upon the site designated by said commissioners: *Provided*, That in no instance shall the plan adopted by said commissioners for the joint construction of the two works, require a reduction of the width of the canal below the minimum width required by the charter of said Chesapeake and Ohio canal company.

Sec. 2. *And be it enacted*, That in the joint construction of said two works at the difficult passes aforesaid, the commissioners shall provide that the said canal and its works shall be constructed securely and in no case at any more expense to said company than such part or parts of its works would have cost if the same had been separately or independently constructed; and such cost shall be determined by the estimates of said commissioners.

Sec. 3. *And be it enacted*, That there shall be a board of commissioners appointed immediately upon said companies assenting as aforesaid to the provisions of this act, to consist of two engineers, one to be appointed by each of said companies; and in any case of disagreement of said engineers, they shall have power to select and appoint a third person or engineer, and in the event of their not concurring in a selection, they shall report the fact to their respective companies, and such third person shall then be appointed by the governor of Maryland, at the request of said companies, or one of them, if the other shall neglect or refuse to unite in such request, and the majority of said three persons shall, in the matter of disagreement aforesaid, have all the power and authority by this act given to said two engineers; and said commissioners shall perform the duties hereinbefore indicated, and shall act as arbitrators, under oath or affirmation, truly and impartially to decide between the parties in all differences that may arise between the said companies, in carrying into operation the plan here contemplated for the construction of said canal and rail road and their respective appurtenances; and the decision of said commissioners upon all points submitted to them, shall be final between the said companies, and in the case of the death, resignation, disqualification or refusal to act of any one or more of such commissioners, the vacancy so occurring shall be filled by the authority by whom the appointment was originally made; and it shall be the duty of said commissioners, as soon after their appointment and qualification as practicable, to ascertain all the passes of said river where the canal and rail road must, from the nature of the grounds, be brought into contact, and the length of such contact at such passes, respectively and forthwith to determine upon the plan and mode of the joint construction of said works at said passes, of which plan and mode they shall give notice to the said companies respectively; and if the said commissioners shall determine that it would be best to have said two works constructed at such passes or any of them, exclusive of the laying of the rails on said rail road by the same contractor or contractors, and under the same contract, the said commissioners shall have the power and are hereby required to determine the proportions of the contract price or prices to be paid by the said companies respectively, under such contract or contracts, and their decision, after notice thereof given to said companies, shall bind them respectively; and whenever it shall become necessary in construction of the said rail road to erect permanent bridges across the said canal, and the said companies cannot agree upon the height and mode of construction thereof, the said commissioners are hereby authorised and required to determine the same, and their decision shall be binding on said companies respectively.

Sec. 4. *And be it enacted*, That the Baltimore and Ohio rail road company be and hereby is discharged from all obligation to erect and keep in repair at any place or places within or upon the margin of the said rail road next to the canal aforesaid, a fence of boards or other materials: *Provided, however*, That the said rail road company shall pay or tender to the said canal company such sum of money as in the opinion of the said commissioners or a majority of them will fully provide for the erection and maintenance of good and sufficient post and rail fence along the river line of the tow-path where its side may be precipitous, and the said rail road to be so near to the said canal that horses and mules when tracting canal boats might be alarmed by the use of locomotive engines on such parts of the said rail road, and that said rail road company shall give such convenient and appropriate notice of the approach of its locomotive engines, on each of such parts of the said rail road, as may be agreed upon by the president and directors of the said companies, or in default of such agreement then such notice as shall be prescribed by the commissioners aforesaid, or by a majority of them; or for any damage or injury which may result or happen to any person by reason of any neglect to give the notice which may be agreed upon, or be prescribed as aforementioned, the said rail road company shall be responsible to the full extent of the damage or injury that may be done to the person or property of any one sustaining the same.

Sec. 5. *And be it enacted*, That the said treasurer shall be and he is hereby authorised and directed to pay from time to time upon the requisition of the president and directors of said companies respectively, after six months notice, not exceeding one million of dollars to each of said companies in any year, and in the whole not more than three millions of dollars to each of them, out of the money which he shall receive as the par or sum of the state's stocks or bonds that may be issued or disposed of, for the purpose of providing the amount of subscriptions aforesaid to the stocks of said companies; and that the said several subscriptions and payments for the said stock of each of the said companies are hereby authorised and directed only upon the condition that none of the rights and remedies of this state under any contract now subsisting between the state and either of said companies shall be in any wise impaired, waived, relinquished or affected by reason of this act or any thing that may be done by either of said companies in consequence thereof; and the said treasurer shall not make any payment aforesaid for subscription to the stock of the Baltimore and Ohio rail road company, until after a majority of the directors appointed therein on behalf of this state shall have certified to the treasurer, in writing, supported by the oath or affirmation of a majority of said directors, that they sincerely believe in their certificate and statement that, with the subscription by this act authorised to be made to said company's stock, and with the subscriptions which the city of Baltimore may have made by virtue of an act passed at December session of the year eighteen hundred and thirty-five of this assembly, or that independently of any subscription by any other public authority than the city of Baltimore as aforesaid, and of the cities of Pittsburgh and Wheeling, and exclusive of any loan on interest, the said rail road company in their opinion have funds sufficient secured to it exclusive of all future profits and debts due by the company, to complete the said rail road from the Ohio river by way of and through Cumberland, Hagerstown and Boonsborough to its present tract near Harper's Ferry, and it is hereby declared to be and made the duty of said company to, and they shall, so locate and construct the said road as to pass through each of said places; which certificate of said directors shall be accompanied by an estimate or estimates of one or more skillful and competent engineers, made out after a particular and minute survey of the route of said road by him or them, and verified by his or their affidavit shewing that the whole cost of said work will not be greater than the amount of funds the said directors shall certify to have been secured by said company, and applicable to the construction of the said road: *Provided*, That if the said Baltimore and Ohio rail road company shall not locate the road in the manner provided for in this act, then and in that case, they shall forfeit one million of dollars to the state of Maryland for the use of Washington county.

Sec. 6. *And be it enacted*, That for each five thousand shares of the stock of said rail road company for which, under this act the said treasurer shall subscribe and which the state may continue to own, at the time of making any annual election or appointment of directors of said company, this state shall be entitled to have and appoint one director, over and above the

number of those who may be appointed by reason of the interest which she now has, in the property or capital stock of said company.

Sec. 7. *And be it enacted*, That before any subscription shall be made to the capital stock of the Chesapeake and Ohio canal company, under and by virtue of this act, the stockholders of the said company shall, in general meeting assembled, stipulate, agree, and bind the said company by a proper instrument of writing, signed by the president, and under the corporate seal thereof, lodged with the treasurer of the Western Shore, to guarantee the state of Maryland the payment, out of the profits of the work, of six per centum per annum, payable semi-annually, on the whole amount of money which shall be paid to the said company, under and by virtue of this act, until the clear annual profits of the said canal shall be more than sufficient to discharge the sums of money which it shall be liable annually to pay to the state of Maryland, and shall be adequate to a dividend of six per centum per annum among its stockholders, except the holders of stock subscribed in virtue of the stock and debt of the Potomac company; and thereafter the state shall in reference to the stock subscribed for on its behalf, be entitled to have and receive a proportional dividend upon the profits of the work as declared from time to time and no more.

Sec. 8. *And be it enacted*, That as soon as it shall appear to the governor, by estimates to be severally and respectively prepared and adopted by the Eastern Shore rail road company, and the Maryland canal company, and the Annapolis and Potomac canal company or either of them, and approved by the governor of this state, that the subscriptions to the capital stock of all or either of said companies, including the subscription hereby authorised on the part of the state to the stock of such company or companies respectively, at the value thereof will be adequate to the construction of the rail road or canals respectively, or either of them, as the case may be, which said company or companies may be respectively authorised to make, the said treasurer shall be and he is hereby, on the governor's certificate to him in the premises, authorised and directed in the name and behalf of the state of Maryland, in the case of the Eastern Shore rail road company, to subscribe for ten thousand shares or one million of dollars of the capital stock of said company, and in the case of the Annapolis and Potomac canal company, five thousand shares or five hundred thousand dollars of the capital stock of said company: and in the case of the Maryland canal company five thousand shares or five hundred thousand dollars of the capital stock of said company: *Provided*, That no subscription shall be made by the said treasurer to either of the said companies last mentioned, until such company shall have been organized agreeably to law, and the said treasurer shall pay the instalments on each share of the capital stock of either or each of the said companies herein mentioned, for which he may subscribe as aforesaid as the same shall be called for, agreeably to the provisions of the acts incorporating the said companies and the supplements thereto respectively: *Provided*, that no instalment on any of the stock of the companies mentioned in this act shall be paid by him, until after an equal proportional payment shall have been made by the other stockholders on their shares of the capital stock of such company, and the said treasurer shall make said payments on the stock so subscribed by him, out of the money which he shall receive as the par or sum of the stock or bonds of the state, that may be issued or disposed of under this act, for the purposes thereof; and as to said subscription to the stock of the Maryland canal company, it is provided, that before the subscription shall be made, it shall upon reports and estimates to be submitted to the governor and council, after an actual survey of the said routes by engineers to be appointed as is hereinafter prescribed, be by their judgment ascertained, whether and at what expense the construction of said company's canal, with due supply of water, be practicable, from the Chesapeake and Ohio canal to the city of Baltimore, by the valleys of the Monocacy and Patapsco, or by a route diverging from the said Chesapeake and Ohio canal at the mouth of Seneca river, exclusively within the limits of this state, and that if the construction of such canal be decided by the governor and council to be practicable by either of said routes, and if in that case the said company, by certificate to the governor and council, under its corporate seal, and signed by its president, shall after such decision, testify its agreement to locate and construct its canal upon the most northern and practicable route of these routes, said subscription shall be and is hereby authorised to be made, and in order to said decision, the governor and council may act upon any report and estimates of any engineer or engineers of said company, and of the mayor and city council of Baltimore, and upon those of any, that, by the governor and council, may for the purpose, at the expense of the said company, be appointed, who are hereby authorised and directed to appoint an engineer for that purpose, and it is hereby further declared, that it shall be the duty of the governor and council within sixty days after a report and estimate, or reports and estimates, by an engineer or engineers as aforesaid, shall have been submitted by them to the governor and council, or filed with the clerk of the council, to decide upon the practicability of said route, and in case the said governor and council shall not decide upon the practicability of said route within sixty days after a report and estimates shall have been submitted to them, as aforesaid, then the president and directors of said Maryland canal company shall have power to make the said decision, and their decision shall have the same effect as if such decision had been made by the governor and council as aforesaid. *And be it further enacted*, That the subscription hereby authorised to the Chesapeake and Ohio canal company, and to the Baltimore and Ohio rail road company, shall not be made until the Maryland canal company, shall, by their president and directors, have certified to the treasurer of the Western Shore, that a sufficient amount has been subscribed to the stock of said company, to justify the commencement of the construction of their canal, and to insure its completion by the most northern practicable route.

And be it further provided, That in the event that the said stock of the Eastern Shore rail road shall not be subscribed to an amount sufficient to commence the said road, by individuals or corporations, as is provided for by this act, then and in that case the million of dollars set apart for, and intended to be applied to said work shall be held sacred, and the faith of the state is hereby pledged, that the said million of dollars shall be applied to the exclusive purpose of internal improvements on the Eastern Shore, and for no other purpose whatever, and shall be subject to disposition by any future legislature for this purpose, after the time shall have expired for commencing the work, as proposed in the charter for the Eastern Shore rail road company.

Sec. 9. *And be it enacted*, That before any subscription shall be made to the capital stock of the said Baltimore and Ohio rail road company, under and by virtue of this act, the stockholders of said company shall, in general meeting assembled, stipulate, agree and bind the said company by a proper instrument of writing, signed by the president and under the corporate seal thereof, to be lodged with the treasurer of the Western Shore, to guarantee to the state of Maryland (after the expiration of three years from the payment by the state of each of the instalments on the stock hereby authorised to be made to the stock of said company) the payment from that time, out of the profits of the work of six per centum per annum, payable semi-annually, on the amount of money which shall be paid to the said company under and by virtue of this act, until the clear annual profits of the said rail road shall be more than sufficient to discharge the interest, which it shall be liable so to pay to the state of Maryland, and shall be adequate to a dividend of six per centum per annum among its stockholders, and thereafter the state shall, in reference to the stock so subscribed for, and on so much thereof as the state may hold, be entitled to have and receive a perpetual dividend of six per centum per annum out of the profits of the work as declared from time to time and no more, and all and so much of such annual profits, as shall exceed six per centum shall be distributed to the other stockholders according to their several interests in the said companies respectively, and in consideration of the interest so to be secured to the state, the said Baltimore and Ohio rail road company shall be, and they are hereby authorised in addition to the charge now authorised to be made by said company, for the transportation of passengers, to increase the price or charge for such transportation to any amount, not exceeding one cent per mile, for each person passing on said road; and the Eastern Shore rail road company, the Maryland canal company, and the Annapolis and Potomac canal company are hereby respectively required as a condition precedent to the subscriptions by this act authorised to said companies respectively, to enter into covenants with the state of Maryland, under the corporate seal of each of said companies respectively, to pay to the state of Maryland semi-annually, by each of said companies respectively, out of the profits of the said respective works, a sum equal in amount to the sum of six per cent. per annum on the subscription by this act authorised to be made, on certain conditions, to the capital stock of the said respective companies; such payments of interest not to be made to the state, until after the expiration of three years from the payment of each instalment on the subscriptions to the respective companies aforesaid, and any excess of dividends on the capital stock of the state in either of said companies above six per centum per annum, shall be distributed to the other stockholders of the company, declaring such excess of dividend.

Sec. 10. *And be it enacted*, That the mayor and city council of Baltimore may subscribe for and acquire such part of the capital stock of the Maryland canal company, and the Baltimore and Ohio rail road company, as shall not be subscribed by individuals after books shall have been opened for that purpose, as directed by their charters, and also to require at any time by purchase from individuals, such stock as may have been taken or subscribed for, or at any time owned by individuals, and to pay for the same by money procured on loan or otherwise, and provide for the payment of the principal and interest on such loan or loans as they shall find necessary, and deem proper: *Provided*, that neither the president and directors of the said Maryland canal company, or stockholders therein, shall so reduce the tolls on said canal as to prevent the payment to the state of Maryland of six per cent. per annum, upon the state's stock in said canal.

Sec. 11. *And be it enacted*, That so soon as the Chesapeake and Ohio canal company and the Baltimore and Ohio rail road company shall have respectively communicated to the governor of Maryland, their assent to the terms of this act in the manner hereinbefore provided, the governor shall be and he hereby is authorised to nominate, and by and with the advice and consent of the council to appoint and commission, three discreet, competent and suitable persons who, or a majority (or in case

of resignation or death in Europe, the remainder of whom) shall have authority and hereby are directed to proceed to Europe, and there, in the name and on behalf of the state of Maryland, to negociate and agree for a loan or loans for the purposes of this act, upon the best and most favorable terms and conditions that can in their determination be obtained, and for the purposes of the loan or loans aforesaid there shall be issued by the commissioners of loans of this state under the seal of the state, and drawn in favor of and delivered to said commissioners as such and the survivors or survivor of them, in such form as they and the said treasurer shall devise, certificates of stock or bonds of this state or both, transferable for such loan or loans by said commissioners or their survivors or survivor, and in such sums not exceeding in the aggregate of said certificates of stock and bonds, eight millions of dollars, as said commissioners shall direct, to be redeemable at the pleasure of the state at any time after the expiration of fifty years from the date thereof, and to bear interest at the rate of six per centum per annum, payable quarterly, on the first day of January, April, July and October in each year at the loan office of this state, in the city of Baltimore, or at some place or places in Europe, should the commissioners find it advantageous so to contract: *Provided however*, that the said commissioners shall not be authorised to sell said bonds or certificates at a rate or price which shall yield or produce to the state less than twenty per cent. net, above the par or sum of said certificates of stock or bonds when paid to the commissioners of loans or treasurer of the state, which place of payment of interest shall be inserted in said certificates or bonds respectively by said commissioners when they shall agree for the loan or loans aforesaid, and as they may contract as aforesaid; and said commissioners or the survivors or survivor of them shall be, and they are hereby authorised to make such further and effectual arrangements, contracts and agreements, on behalf of the state, as in their judgment shall secure the payment and safe transmission of the money which shall arise from the sale of the stock or bonds aforesaid, to the treasurer of the Western Shore of Maryland, to meet and be applied to the several purposes of this act, as the same shall be wanted; and upon the whole sum which shall so be negociated and obtained by the said commissioners, they shall be allowed, as a joint compensation, for their expenses, care, skill and diligence, one quarter of one per centum to be deducted and paid out of the bonus or premium which the state shall receive over and above the par value of the stock or bonds aforesaid, and the governor and council shall fill any vacancies in said commission, which may be occasioned by any of said commissioners declining to act, or by dying or resigning before departure for Europe or afterwards, if necessary for the purposes of this act; and the faith of the state is hereby pledged for the payment of the loan or loans hereby authorised to be contracted for, principal and interest, according to the terms of the contract or contracts in that behalf to be made by the said commissioners, and the said commissioners shall be authorised to negociate said loan or any part thereof in this country, if in their judgment the interest of the state will thereby be promoted.

Sec. 12. *And be it enacted*, That the proper accounting department of the state of Maryland is hereby authorised and directed to receive such evidences of ownership, and be governed by such rules respecting the transfer of stock and obligations of the state, as are received and adopted under the authority of the United States for transferring funded debt of the said United States.

Sec. 13. *And be it enacted*, That so much of the premium which shall accrue to the state on the sale of the certificates of stock or bonds of the state hereby authorised, as will not be required for the payment of the interest upon the loan for the space of three years after the same shall have been negociated, shall be, as well as the increment thereof, from time to time, invested in some safe and profitable stock or public security, and shall constitute a sinking fund, which is hereby inviolably pledged for the redemption of the debt to be incurred under and by virtue of this act, and the amount so to be invested as a sinking fund from time to time as the several instalments on said loan shall be paid into the treasury, shall not be less in the whole and for the whole loan than five hundred thousand dollars, to be made up of the balance of premium not required for the payment of three years interest as aforesaid the dividends that may arise on the state's stock in all or either of said companies during the said three years, and the bonus to be paid by the several banks incorporated within this state, since the first day of January, eighteen hundred and thirty six, or so much thereof as may be necessary for this purpose.

Sec. 14. *And be it enacted*, That it shall be the duty of the Baltimore and Ohio rail road company to provide carriages suitable and in adequate numbers for the transportation of, and shall promptly transport all the merchandise and commodities and lading of every kind that may be offered for transportation at such of the depots on the route of the said rail road as have been assigned or used, or shall hereafter be assigned for the receiving of property for transportation, upon the main stem of said road, and the several branches thereof, and that it shall be the duty of said company to establish at such convenient and suitable places on said main stem and branches, depots for the reception of property for transportation as the governor and council shall from time to time direct, due regard being had to the interest of all parties, and in case of failure to comply with this provision, the said company shall be liable to damages at the suit of the party aggrieved, to be recovered by action on the case, in which this act and the special matter may be given in evidence.

Sec. 15. *And be it enacted*, That in case it shall become necessary at any time hereafter to levy a direct tax for the support of government, or to sustain the public credit, the same shall be laid according to the thirteenth article of the declaration of rights, including all goods, wares and merchandise belonging to citizens of this state, ships and vessels in or out of port, moneys at interest, on mortgage, bond or any chose in action, stock and public securities of every description and all income derived from shares of every incorporated institution, or otherwise, as well as every other description of property, real, personal or mixed, which escapes taxation under existing laws; and the faith of the state is hereby pledged to lay the same accordingly in consideration hereof, and to provide for the payment of interest, and the reimbursement of principal of debts to be created in virtue of this act, or of debts which may be created at any subsequent legislature, and all acts or parts of acts in contravention of the constitutional and equitable principles herein contained, shall thenceforward be repealed, abrogated and annulled.

Sec. 16. *And be it enacted*, That the seventh section of this act shall not be construed to require of the Chesapeake and Ohio canal company, payment to this state of interest on the stock by virtue of this act subscribed for in said company, except such as shall accrue from and after the expiration of three years from the payment to the said company of each instalment on said stock.

—

The following were the yeas and nays on the passage of the above bill in the house of delegates and in the senate. It passed the former body on the 3d inst. and the latter on the following day.

Yeas and nays in the house of delegates.

Yeas—Messrs. Heard, Fowler, Dunkinson, Carroll, of St. Mary's, Lassell, Primrose, Kirby, of Kent, Miller, Iglehart, Ridgely, Hood, Mercer, Kent, Wailes, Weems, Merrick, Ely, Brown, Carroll, of Baltimore, Winder, Long, Teackle, Jones, Dennis, Brewer, Palmer, Larrimore, Hemsley, Kirby, of Queen Ann's, Willis, Annan, Duvall, Shriver, Carter, Turner, Burchenal, Hardcastle, Richardson, McLean, Wharton, Newcomer, Brookhart, Fiery, Bean, McMahon, Matthews, Berry and Frantz—48.

Nays—Messrs. Speaker, Duke, Carpenter, Hambleton, Dudley, Bruff, Mullikin, Ford, Brohawn, Bayly, McCulloh, Nowland, Townsend, Henderson, Pratt, Worthington, Bryan, Duckett, Spence, Whitelock, Hearn, Gillis, Boyd, Sutton, Gough, Nelson, Gittings, Darby and Trundle—29.

Yeas and nays in the senate.

Yeas—Messrs. Chapman, (president), Emory, Forrest, Page, Morris, Mayer, Sappington, Hughlett, Montgomery, Wootton, Pigman—11.

Nays—Messrs. Claude and Groome—2.

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In consequence of the passage of the bill, a meeting was held at the exchange in Baltimore, on Monday last, at 12 o'clock, when the following resolutions were submitted by col. *Samuel D. Walker*, and unanimously adopted.

Whereas, the passage of the internal improvement bill, by the legislature of the state of Maryland, affords evident cause for rejoicing, and calls for some expression of feeling and gratitude by the people of the state, and particularly from the citizens of Baltimore—Therefore,

Resolved, That a subscription internal improvement dinner be given, on Wednesday next, the 8th inst. at 5 o'clock, at such place as the committee of arrangement shall designate, to which the governor and council, the members of the senate and house of delegates be respectfully invited.

Resolved, That a committee of forty be appointed by this meeting, for the purpose of getting subscribers to said dinner, and that a subscription paper be also left at the exchange for the signatures of those who may wish to attend.

Resolved, That a committee of arrangement, consisting of three, be appointed by this meeting, with power to provide for said celebration—to engage an exhibition of fire works for the evening—to have a salute of 100 guns fired at 12 o'clock, M.—the bells of all the churches, engine houses and other institutions rang at the same time—the flags of the shipping and public buildings displayed for the day, and any other measures they may conceive proper for the occasion.

Whereupon the following gentlemen were appointed the committee of forty:

Henry Thompson, Jacob Albert, Samuel Jones, jr. Daniel Cobb, col. Samuel D. Walker, col. John Thomas, col. Jacob G. Davies, William G. Harrison, William Heald, John P. Kennedy, Joseph Cushing, William Crawford, jr. John McKim, jr. G. W. Lurman, col John S. Nicholas, Osmond C. Tiffany, Edward D Kemp, judge Harwood, Hugh Birckhead, col. Columbus O'Donnell, J. H. B. Latrobe, col. Samuel Moore, Solomon Betts, G. B. Wilson, George H. Newman, J. J. Speed, col. E. L. Finley, John H. Hodges, John Kettlewell, James W. Osborn, col. William Dickinson, William Lorman, Luke Tiernan, H. W. Evans, col. John S. Gittings, gen. George H. Steuart, Hugh Boyle, James George, Johns Hopkins, Ed. Didier.

And the following the committee of arrangement:

Col. Samuel Moore, judge Harwood, John P. Kennedy.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

☞The space occupied by Mr. Adams' speech and the abstract of congressional news, which we were compelled to give more in detail than usual that all the important business considered might be fully understood, has prevented us from imparting the usual variety to the present sheet; but we believe it will not be found less interesting on that account.

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We give a few additional particulars relative to the Creek war, and an extract from a late despatch from general Scott to the adjutant general at Washington; from which it will be seen that the most active efforts have been made and are making to check the enemy and to prevent a junction with the Seminoles. Our next accounts will, no doubt, furnish something definite; for unless the Creeks and the Euchees enter Florida they must soon be encountered by our troops.

The marines which have been employed in this campaign are commanded by col. *Archibald Henderson*, the senior officer of the corps, and not by col. Miller, as was erroneously stated in our last, on the authority of an eastern paper.

From Florida we have the gratifying intelligence that the gallant band under the command of lieut. Walker, who occupied the block-house on the Wythlacoochee, has been relieved by a body of about eighty volunteers, from the Florida militia, under the command of col. Read, who brought them all off in safety. The garrison was in a state of extreme suffering; the officers and men having lived for nearly a month on corn, without salt or meat.

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In consequence of a misunderstanding that occurred in the house of representatives on Thursday night, last week, between Messrs. *Jenifer*, of Md. and *Bynum*, of N. C. a challenge ensued, and the parties met on Tuesday last at Rock creek, near Washington, and after exchanging *six shots*, without injury to either party, the dispute was satisfactorily adjusted.

Mr. Jenifer was accompanied by Messrs. Peyton and Pickens, and Mr. Bynum by Messrs. Seveir and Hannegan.

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NEW STATES. On Monday last, the bills for the admission of the territories of Michigan and Arkansas, passed the house of representatives, having previously passed the senate, and, being now signed by the president, have become laws.

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A joint resolution has been adopted by both houses of congress fixing on the 4th of July next as the day of adjournment.

—

TREATY WITH THE CHEROKEES. The treaty lately concluded with the headmen and chiefs of the Cherokee Indians, by *Wm. Carroll* and *John F. Schermerhorn*, on behalf of the United States, for the purchase of all the lands owned, claimed or possessed by the Cherokees east of the Mississippi, as ratified by the president and senate of the United States, has been officially published. The treaty at large is too long for our present limits, and we must therefore content ourselves with stating its leading provisions. The sum stipulated to be paid by the United States, in consideration of this cession, is five millions of dollars. The Indians are to be transported by the United States to the west of the Mississippi, and settled on lands specified in the treaty, &c. Of the five millions of dollars purchase money, the following sums are to be invested by the United States, "in some safe and most productive stocks of the country," for the benefit of the whole emigrant Cherokee nation:

For a general national fund	$200,000
For an orphan's fund	50,000
For addition to the school fund	150,000

The annuity of $10,000 a year, to which the nation is now entitled, is to be commuted for a sum of $214,000, to be invested by the president of the United States as a part of the national fund.

A supplementary article stipulates for the payment of an additional sum of $600,000 by the United States to defray the expense of removing the Cherokees, and to cover all claims for "spoliations," by which indefinite phrase we do not very well know what is meant; and adds $100,000 more to the general national fund.

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[*Nat. Int.*

APPROPRIATIONS made at the last session of the legislature of New York:

Loan to the N. York & Erie rail road company	$3,000,000
Loan authorised for the construction of Black river canal	1,000,000
Loan authorised for Genesee Valley canal	2,000,000
Appropriated for locks on the Glens' Falls feeder	100,000
Do. for making the locks on the Cayuga and Seneca canal of the width of the new locks on the Erie canal, (not yet estimated), say	50,000
Additional loan for the Chenango canal	260,000
For purchasing water power on the Crooked Lake canal, say	12,000
For a towing path on the Seneca river	4,000
For a geological survey of the state, ($26,000 for four years)	104,000
For the lunatic asylum	60,000
For the blind	16,000
For a bridge at Athol, Warren county	4,000
Total	$6.610,000

[*Albany Argus.*

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CANAL TOLLS. The tolls collected on the New York canals, for the week ending on the 21st May, amount to the sum of $65,771 34—which, deducting Sunday, gives an average of $10,961 87 per day.

The collections at Albany, during the whole month of May, for 1834, 1835 and 1836, are as follows, viz:

1834	$40,000
1835	61,000
1836	75.000

The excess of collections at the Albany office, in May, over the same month in 1835, is $14,000. [*Ibid.*

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CANALS IN THE UNITED STATES. The Buffalo Journal, from imperfect data, estimates the number of miles of finished canals in the United States at 3,000, which are distributed among the several states as follows:

In Maine	50	miles.
Massachusetts	47	"
Massachusetts and R. Island	45	"
Connecticut	58	"
New York	678	"
New York and Pennsylvania	36	"
New Jersey	101	"
Pennsylvania	857	"
Delaware and Maryland	14	"
Maryland	10	"
Maryland and Pennsylvania	341	"
Ohio	571	"
Virginia	30	"
Virginia and N. Carolina	22	"
Georgia	66	"
Louisiana	100	"

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NAVY DEPARTMENT, *June* 4, 1836. The board of examination recently convened at Baltimore, composed of

Captains JAMES BIDDLE, president.
HENRY E. BALLARD, JOHN B. NICHOLSON, ALEXANDER CLAXTON, LAWRENCE KEARNEY, } members.

has closed its duties. The following is a list of the midshipmen who passed, arranged in the order assigned them by the board.

Class—1829.
1. John J. Almy,
2. Otway H. Berryman,
3. Edmund Jenkins,
4. Edward J. DeHaven.

Class—1830.
1. Richard L. Tilghman,
2. James H. Strong,
3. James M. Fraily,
4. Carlisle P. Patterson,
5. William Pope,
6. James L. Heap,
7. George R. Carroll,
8. Augustus S. Baldwin,
9. Edmund T. Shubrick,
10. Stephen Dod,
11. William B. Whiting.

POST OFFICE DEPARTMENT. The bill for the reorganization of the post office department, which has passed the house of representatives, and is now before the senate, makes the following allowances to the clerks, &c.

Assistant post masters general, each	$2,500
Chief clerk	1,700
Three principal clerks, each	1,400
Ten clerks, each	1,200
Eight clerks, each	800
Messenger,	700
Two additional messengers, each	350
Two watchmen, each	250
Auditor of the post office	3,000
Chief clerk	1,700
Four principal clerks, each	1,400
Ten clerks, each	1,200
Twenty clerks, each	1,000
Eight clerks, each	800
Messenger	700
Two assistants, each	450

SALES OF THE PUBLIC LANDS. The receipts into the United States treasury from the sales of the public lands, have been as follows—

1817	$1,991,226	1827	$1,494,815
1818	3,606,364	1828	1,018,308
1819	3,275,422	1829	1,517,175
1820	1,635,871	1830	2,329,356
1821	1,212,966	1831	3,210,815
1822	1,803,581	1832	2,623,331
1823	916,523	1833	3,069,682
1824	984,418	1834	4,887,620
1825	1,216,090	1835	14,757,600
1826	1,393,785		

Receipts 1st quarter, 1836, as reported by the secretary of the treasury, 5,439,640.

The government lands already sold, amount to 540,000,000 of acres. The amount surveyed and offered but not yet sold, is 119,259,728 acres. In addition to the above, the Indian title has been extinguished to more that 100,000,000 of acres not yet surveyed.

Whole amount of unsold lands to which the Indian title had been extinguished previous to 1832, 227,593,884 acres. Since, the additions to that amount have exceeded the sales.

From the report made to the senate by Mr. Ewing, the amount received for sales of the public domain in each state and territory, since 1776, has been as follows, up to 1st of Jan. last—Ohio $16,780,177, Indiana 9,510,481, Illinois 5,355,612, Missouri 3,886,224, Alabama 10,097,347, Mississippi 6,837,770, Louisiana 999,087, Michigan 3,956,896, Arkansas 636,642, Florida 556,283. Total—$56,619,523.

NEW YORK BANKING CAPITAL. The capital of the new banks created by the late legislature amounts to $5,250,000. Add to this the sum of $420,000, for the increased capital of two banks previously in operation, and the aggregate amount is $5,670,000—of which only one million is west of Cayuga lake.

CURRENCY OF GREAT BRITAIN. An official return has been published, bearing very materially upon the amount of the circulation of the country—viz: a return of the amount of notes circulated in England and Wales by private banks, joint stock banks and their branches, in the quarter ending on the 26th of December last. It appears from this statement, that the circulation of notes by these establishments has been increased in the last quarter to the extent of £713,791. The present circulation of the private banks is stated at £8,334,836, in the same previous quarter it was £7,912,587. The circulation of the joint stock banks, in the quarter ending on the 26th September last, was, £2,503,036 but in the quarter ending on the 26th December it was £2,799,551. Taking the increase of the circulation of the bank of England, of the private banks, and joint stock companies, it appears that in the last quarter there has been altogether an augmentation in the circulation of the country of near one million sterling.

ITEMS.

Gen. *Wm. H. Harrison*, of Ohio, and *Francis Granger*, of New York, have been unanimously nominated as candidates for president and vice president by the whig state convention of New Jersey, which assembled at Trenton on the 1st instant. Upwards of 200 delegates were in attendance from all parts of the state.

It appears from the Cincinnati papers that Dr. Harrison, a son of gen. W. H. Harrison, who was reported to have been murdered and brutally mangled by the Mexicans, is alive and safe on board a Texian vessel, having been slightly wounded only. This news he has communicated to his friends by letter.

The packet ship Independence, which sailed from New York on the 8th ult arrrived in Liverpool in a passage of *fourteen days and eighteen hours!*

The Providence (R. I.) Journal states that there are now living four brothers and one sister, born in North Providence, whose united ages number *four hundred and five years!*

Seven thousand chairs are exported from Boston every week.

A just law—The Massachusetts revised statutes make it imprisonment for one year and a fine of $100, on every person who shall cut or injure a tree not his own.

Iron—In a foundry in Germany, it has lately been discovered that by producing an evaporation of the chlorine, in making cast iron of the second or third quality, an iron of the first quality is produced. This new process has been tried in the forges of the Bes Rhin with complete success. The value and importance of this discovery cannot fail to be appreciated by all iron masters.

The amount of the capital of rail road companies in New York was, before the recent session of the legislature, *thirty-five millions of dollars.* It has been increased to nearly fifty millions.

The real and personal estate in the state of New York is estimated at five hundred and thirty millions of dollars.

There are fifty-six daily newspapers in the state of New York. Their circulation is equal to about 30,000 daily.

The receipts of the Pennsylvania hospital for 1836 were nearly $84,000.

Of 1,005 persons admitted into the Pennsylvania hospital in 1836, 461 were foreigners.

Rain. According to a statement in the Baltimore American, *seven inches of rain* have fallen from the commencement of the late wet weather up to Wednesday the 8th inst. at 1 o'clock, A. M.

The Winchester Virginian states that at Harper's Ferry the late rains had swollen the Potomac and Shenandoah rivers about sixteen feet above the low water level. It is added that the damages done to the canal by the freshet will require two months to repair them.

The navigation of all the N. York canals had been suspended by the late rains. The Albany Argus of Monday has the following paragraph on the subject:

The canals. The floods produced by the rains the 20th and 30th of May, have interrupted the navigation of the Erie, Oswego, Cayuga and Seneca, and Crooked lake canals. Within the space of 40 days two floods have occurred at the west, which are without precedent, and which have very seriously affected the operation of the canals. No similar interruptions have been experienced from the same cause since the canals were navigable.

It is also stated that one of the locks on the Welland canal had given way and that a schooner had sunk in the ruins.

Overflow of the Juniata—The Bellefont Patriot of the 4th inst. says, "We have received no papers from the east for several days, on account of the swollen condition of the Juniata river. The extraordinary wet weather which we have had for the last fortnight, has caused it to overflow its banks, and we learn that in the long narrows below Lewistown, it covers the canal and turnpike—one vast waste of rapid and turbulent waters—leaving no means for either boat, stage, or even pack-horse, to bring the mail. The damage to the public works will be immense."

A New York paper says that there are in that city about three hundred young lawyers who do not earn $300 per annum. Few mechanics, it is presumed, make less than double that amount, and yet it is not as fashionable to be a mechanic as it is to be a lawyer.

By a late census of the city of Louisville, Ky. it appears that that place now contains 23,000 inhabitants—increase within the last year 4,000.

A slight shock of an earthquake was felt at Kingston, Jamaica, on the 7th May. A similar shock, it may be recollected, was experienced at Knoxville, Tenn. on the same day.

On the 18th ult. fifty houses were destroyed by fire in the lower municipality of New Orleans. The council appropriated $10,000 for the relief of the sufferers.

An individual has sent commodore Downs, commanding the navy yard, at Charlestown, Massachusetts, the sum of twelve dollars, as restitution for injuries or injustice supposed to be done some time ago to the United States, in the navy yard in Charlestown. The money has been deposited to the credit of the treasurer of the United States.

By the ship *Hindoo*, which arrived in Boston last week, from Liverpool, were received 2,309 packages and 150 half packages of *lard*, and by the *Montpelier*, arrived at the same place from London, 2,920 sacks of *oats*.

Certain lots in East Boston were recently sold at auction to the amount of $218,145 81. Some of the lots were sold at from 10 to 50 cents per foot—and others at prices ranging from 25 to 45 cents.

The New York Gazette states that there is a great rage for speculation in real estate at Oswego, arising, no doubt, says the Gazette, from the projected construction of a ship canal between that place and Utica. Among other recent sales there, we learn from good authority, that the vice president has within a few weeks past, disposed of one-half of his property there

for the sum of two hundred and fifty thousand dollars, the purchaser being the attorney general of the United States. We have also understood that eleven acres, (principally wharf lots) were recently disposed of, to a company, for one million of dollars.

The geological survey of Virginia has been commenced by Messrs. R. Rogers and Walker, under the superintendence of professor W. B. Rogers, of the university of Virginia.

Consumption. Dr. Draper, who is delivering a course of lectures before the Franklin institute of Philadelphia on the subject of coughs, consumption, &c. recently stated that from the year 1807, until the year 1835, inclusive, there had been in the city and liberties of Philadelphia, *thirteen thousand seven hundred and thirty-two deaths from consumption!!!*

American stocks, in London, April 29th, New York Life and Trust, 93; New Jersey canal, 103 a 104½; Pennsylvania, 102½ a 103; Maryland, 108; Ohio, 107; Louisiana, 100¼ a 101; Mississippi, Planters bank, 26½; Tennessee do. £23 10s.; Alabama, 95; U. S. bank, £24 15s.

THE CREEK WAR.

The following late and official intelligence from the seat of the Creek Indian war is extracted from a letter from major general Scott addressed to the adjutant general at Washington. It will be seen that the dispositions for the defence of Georgia and Alabama against the outrages of the Indians, and for carrying the war into the nation, are being made as rapidly as circumstances will permit. The prevention of the escape of the Indians towards Florida is especially aimed at. Major general Jesup was about to pass through the hostile ground to the Alabama side of the field of contest.

Extract from a letter of gen. Winfield Scott, to the adjutant general, dated

Head quarters, army of the south, Columbus, Geo. June 3, 1836.

I have the honor to report for the information of the secretary and general-in-chief, that I arrived here three days ago, in company with his excellency governor Schley and major gen. Jesup.

No event of importance has occurred in or about the Creek country, for a week or two. A small party of the enemy crossed into Georgia the day before I arrived, murdered a few individuals, and burnt some houses.

Until the troops are mustered into the service of the United States, they are not under my commad. This ceremony commenced yesterday, and will proceed as rapidly as possible. In the meantime, the governor, whose own military views are excellent, and who has the best possible disposition towards the general government and its officers, makes me the compliment to consult me on all points of importance. He has already taken measures to guard the frontier of Georgia, above and below this place, against incursions, and particularly to prevent parties of the enemy from escaping across the river, in the direction of Florida. Additional measures shall be immediately adopted to effect this great object; first, by the employment of a steamer, hourly expected, with a company on board, and by pushing some companies of mounted men, to points fifty and sixty miles below. It is not thought here, that there is any danger of the Indians attempting to cross the river lower down.

The strength of the enemy is variously estimated by well informed persons, from 2,500 to 5,000. Capt. Page thinks that there are at least 3,000 hostile warriors.

I suppose there may have arrived on this frontier about 1,500 Georgians, mostly, I think, volunteers. As they are distributed over a line of more than forty miles on the river, the governor has not been able, as yet, to obtain returns of the detachments. He expects as many more, and companies almost daily arrive, but it is not expected that all will be up before the 12th, perhaps the 15th instant.

The governor of Alabama will probably have in the field about an equal number of men. By his letter of the 28th ult. a copy of which is enclosed, it will be seen, that he thinks he will be ready to march upon the enemy the 5th inst. I doubt, however, whether he has been able to secure subsistence for his men, in advance, for eight or even five days. On this side, there are no magazines. The troops have not suffered, but the supplies have been rather precarious. This state of things must continue at least eight days longer, when the one hundred thousand rations, and other indispensable stores shipped from Picolata, St. Augustine, Savannah and Charleston, may begin to arrive from Macon and Hawkinsville, on the Oak Mulgee, by wagons. The supplies ordered from New Orleans cannot be expected before 18th or 20th inst. Late, long, and heavy rains in this quarter, have greatly injured the roads, but improved the navigation of the rivers.

I enclose copies of my two letters to governor Clay, and a copy of my instructions to major general Jesup, who will probably set out to-morrow for Montgomery. He will require a good escort to Tuskegee, forty miles. Beyond that point, the communication is understood to be perfectly free.

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The following accounts from the scene of troubles in the Creek Indian country are copied from the Columbus (Geo.) Herald, of the 7th instant. In the same paper, the number of the hostile Creek Indians capable of bearing arms is put down at about six thousand.

Troops continue to pour in from different counties, many of which are well mounted and armed, and all will be fully equipped in a day or two, and ready for service, when they will be immediately detailed, and put to the all important work of subduing the hostile Creeks. The chivalry and prowess of the Georgia troops was perhaps on no occasion better displayed than on the present—and the alacrity with which volunteers from distant counties have repaired to the scene of danger, speaks volumes of praise for the spirited and patriotic sons of Georgia, and gives hearty assurance of their readiness at all times to battle for their beloved country and her rights.

Gen. Sanford with promptitude, equal to the emergency, immediately on organizing his staff removed his head-quarters to Fort Ingersoll, a fortress which has been thrown up since the present excitement, and is planted upon *Alabama soil.* To "cross the river" and "pitch tent," under all the circumstances of the times were, agreeable to our notions, good moves, and precisely corresponded with our preconceived opinions of gen. Sanford's character as an officer. Nothing delays him from a march to the enemy's strong hold, but the want of more provisions.

On Wednesday last the troops, as many as had then arrived, were collected at Fort Ingersoll, and regularly mustered into the service of the United States. Gov. Schley was present on the occasion, and addressed the troops. In the course of his remarks, he took occasion to advert to the many objections which had been made by volunteers to being mustered into the regular service; set forth in a clear view the reasons why this muster should take place, the necessity for it, and the utter confusion that would prevail in attempting to conduct an army upon any other principle. He exhorted them to fidelity to their country, and pourtrayed in accurate and eloquent langnage, the high and honorable character of *the soldier.*

On Saturday morning maj. gen. Jesup took his departure for Tuskeegee, a town located in the nation, midway from Columbus to Montgomery—he was escorted by the Bibb and Talbot Cavalry and a number of volunteer citizens, in all amounting to about 200 men. Gen. J. will take command of the Alabama forces.

A battalion of calvary, 220 strong, under the command of major Howard, left on Saturday morning for the vicinity of Mr. Boykin's plantation about 20 miles below this place, where it was understood that a large party of Indians were endeavoring to cross the river, supposed to be on their way to Florida. We presume this to have been Jim Henry's band, and we invoke all the good fortunes of war upon the head of Howard, that he may fall upon the path of Henry, and literally "use him up." We await news from this detachment with a great deal of interest.

The entire force now on the Chattahoochee is not less than 2,000 effective men.

The steamboat Metamora on her passage from Apalachicola was fired on by the Indians about 8 miles above Roanoke. The Metamora was pressed at Irwinton by capt. Wood, who had under his command two volunteer companies from Randolph county, Ga. and the "volunteer guards," commanded by capt. Booth, from Pike county, Alabama, in all about 130 men. Their object was to run up to Columbus in the steamboat, with a view to pick up a fight with the Indians if possible; and as they desired, so they had it. About 20 hostiles appeared on the west bank of the river, and pulled trigger on the boat: three individuals were wounded among the whites—Messrs. Owens, Smith and Butler; Mr. Owens dangerously; capt. Booth was *smoothly shaved* by an Indian bullet, it passing over the surface of his chin, and leaving not a whit of beard behind. In this "sharp shooting," there were from 10 to 15 Indians killed.

BANK OF THE UNITED STATES.

Bank of the United States, May 31st, 1836.

GENTLEMEN: I have submitted to the board of directors the memorial signed by yourselves, and other citizens of New York, in which it is stated that "circumstances unconnected with the business operations of the country but which it is unnecessary to detail, have produced a scarcity of money embarrassing to trade and highly injurious to the interests of the commercial community at large"—that "it is believed by many to be in the power of the bank of the United States to restore the money market to a more sound and healthy state"—and requesting the bank to resume its purchases of domestic exchange, which, if carried to the amount of two millions of dollars, "would give all the relief which the commercial community requires."

It gives me great satisfaction to inform you that the board of directors have cheerfully acceded to your wishes. Instructions have accordingly been this day given to purchase in N. York bills of exchange on the points most connected with the commerce of your city, which will be multiplied as soon as the necessary arrangements can be completed.

The bank of the United States, as you are aware, is no longer responsible for the state of the currency and the exchanges. But the board of directors are not the less anxious to protect the country from any embarrassment which may threaten it. They therefore willingly adopt the suggestion of so respectable a body of their fellow citizens as to the best mode in which they can be useful and shall deem themselves fortunate if they can thus contribute to relieve the existing pressure on your community.

You will have the goodness to communicate this result to the gentlemen interested in it, and believe me with great respect, yours. N. BIDDLE, *president*,

Messrs. *Shepherd Knapp, P. & J. S. Crary, Grinnell, Minturn, & Co. Suydam, Jackson, & Co. New York.*

Having requested a friend to furnish for the columns of this paper, a copy of the foregoing letter—to which the reader may recollect, we made a special reference the other day—and having succeeded in the application, we have at once laid it before the public. We also learn from the Boston papers, that the merchants of that city have likewise applied to the bank of the United States to establish an agency there, and that an answer complying with their request has been returned by Mr. Biddle. We likewise farther learn, that within the last two weeks the agent of the bank of the United States in this city has purchased for cash domestic exchange to the amount of one million two hundred and ten thousand dollars, and foreign exchange to the amount of six hundred and sixty thousand dollars, and that during the same period he has sold foreign exchange for promissory notes to the amount of one million four hundred thousand dollars. The wishes of our merchants have thus far been liberally and promptly met, and at a moment, too, and in a manner, which cannot fail to make the relief extended, sensibly felt. The bank is certainly in the enjoyment of a proud triumph on this occasion.

[*N. Y. Cam.*

THE INDIAN DEPUTATIONS.

Washington, May 26th.

There arrived in the city a day or two ago, under the conduct of Mr. McKnight, of Michigan, a deputation of the *Chippewa* tribe of Indians, who have come to the seat of government for the purpose of treating for the cession of all their remaining lands within the limits of Michigan. Since their arrival, they have had an interview with the two deputations of Cherokees, who have been here for some time on the subject of their treaty of cession, when *Macoonse*, the head chief of the Chippewas, made a speech to the Cherokees, of which the following is a copy, as dictated by himself:

To the gentlemen composing the two delegations from the Cherokee nation:

FRIENDS AND BROTHERS: It has been ordered by the Great Spirit for us to meet, and we have been permitted to extend to each other the hand of friendship. I can truly say I am very happy that I have been one of the number who have held a friendly intercourse with you, while many of my people have been denied the pleasure.

My friendship for you is so great that I cannot refrain from saying that I hope you will all look above for happiness; and while you have a place on earth, may you never neglect doing every thing in your power which is calculated to benefit the rising generation; I, for one, am determined to leave nothing undone which may conduce to the welfare of my people, and I would hope that I am not alone in this resolution in the Chippewa nation.

I have visited our father, the president of the United States; I have given him my hand, and I have told him that I and my people would always consider him our friend. I hope you, too, have done the same, and will ever regard him as your friend.

My friends, I hear there is a war among the Creeks, your neighbors; perhaps when you reach your homes, there will be those who will give you bad advice. Open not your ears to their talk! Why should you bring destruction to yourselves and to your children? I consider you men, and I need not say any more on this subject; but I must tell you that if I shall hear, after I have returned to my people, that you have not listened to good advice, but have attended to the talk of those who would bring ruin to your nation, I shall think the Cherokees are not men, but they are like children; they know not what is good for them.

Allow me to add, I am of the opinion that the best thing we could do for the good of our children is to turn our attention to the cultivation of our lands.

I shall not say more.

I am your friend and the friend of your nation,

MACOONSE, or ES TON-QUET.

Washington city, May 23, 1836.

Copy of a letter from the Cherokee delegation to the Chippeway chief:

Washington, 23th May, 1836.

Macoonse, one of the Chippeway nation:

DEAR FRIEND: We have received your letter of yesterday, which has been read and explained to the delegation. Your talk is good, and we reciprocate your friendship, and feel gratified that, by the Providence of God, we who live so far apart, are enabled to form so interesting an acquaintance with each other.

We agree with you that it would be folly to wage a war with the United States, in a fit of desperation, to revenge the injuries inflicted by the whites, which can never be avenged but with the entire destruction of the Indian race. But the war which is now raging in the Creek and Seminole nations of Indians arises not from the foolishness of the young men, but from the accumulation of injuries heaped upon them by the whites, and from the want of correct policy in the chiefs, in not leading their people out of the white population. Treaties which consign the Indians to live among the whites without the enjoyment of their own laws, and without a boundary to keep the white people at a distance, must, as a necessary consequence, produce irritations and conflicts. When the Indians starve, they will lay their hands upon the white man's provisions, who will resent it, kill the Indians, and the Indians will retaliate, and hence arises the war which will destroy the Indian tribe which raises the hatchet.

The condition of our people is now wretched to the last degree. Language would fail us to express their sufferings. They have no government, they have no laws, they have no country; they are compelled to live under the laws of the whites, but with no rights under those laws. For four years past we have advocated a removal to the west as the only alternative to preserve our people from extinction. Some of the chiefs of our nation viewed the matter otherwise, and encouraged the mass of the tribe to die on the land of their forefathers and bury their bones with them. If we had listened to this talk, would we have been faithful to the welfare of our race? Could they be preserved in this abject condition? No! You might as well throw your seed-corn to the hungry hogs for your summer's crop, as to expect that the Indians can prosper in the midst of a white population, *under such circumstances*. If you wish to increase your stock of sheep, would you drive them where the wolves range, unprotected? Would you turn a flock of doves to the hungry hawks for safety? No, you would not.

It is a great mistake for an Indian nation to expect to prosper under the laws of the states. They may, if permitted to cultivate their lands, linger away a miserable existence, but they would eventually melt away as the snow melts before the sun. Have we not experience enough to convince us of this awful truth? Look at this great country, where hundreds of council fires blazed in brightness! There is no green spot where the Indian can say "Here is the home of the free and brave of my people." If any Indians are permitted to live among the whites, you will find them in a state of pupilage—as children under the laws of the states. They live without hope—without the rich heritage of freemen. And thus it is that they try to stimulate their drooping spirits with intoxicating drinks, which only plunge them deeper into the mire of their wretchedness.

These considerations have impelled us to treat for a removal to the country out of the limits of the states and territories, where we intend to cultivate our lands, enjoy our own laws and educate our children. It is our purpose to cultivate peaceable relations with the United States, and induce, by the civilization of our people, the prejudiced whites to respect our race. In that region the Choctaws, Chickasaws, Creeks, Seminoles, Cherokees, Shawnees, Quapaw, Senecas and Osages reside. We will smoke the pipe of peace together, and with the remote tribes of the west towards the Rocky Mountains cultivate friendship and peace. We know that the God of the white man is the God of the Indian, and, if they are true to themselves, that he will bless them. May he prosper our undertaking, heal our afflictions, and render us happy and a great people.

Do you not feel that we have spoken the truth? Does not the heart of the chief of the Chippeway kindle in holy aspirations? Oh, may you accept our talk, and gather together your people and form them a great nation by our side. It is the only way which is practicable. You cannot prosper among the whites.

Our brother, you must not think hard of what we have said to you. We have spoken the feelings of our hearts. Now we shake hands with you and wish you and your chiefs a safe return to your nation. We are your friends and brothers.

MAJOR RIDGE,
JAMES FOSTER,
LONG SHELL,
JAMES STARR,
JOHN SMITH,
JOHN FIELDS,
JAMES FIELDS,
GEORGE WELSH,
Capt. JAMES ROGERS,
WILLIAM ROGERS,
JOHN RIDGE,
ANDREW ROSS,
J. A. FOREMAN,
JOHN GUNTER,
JOHNSON ROGERS,
ELIAS BOUDINOT.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

June 10. After the usual morning business, the senate, on motion of Mr. *Benton*, proceeded to consider the bill to increase the present military establishment of the United States. Mr. B. then made some observations on the necessity of increasing the army in consequence of the attitude and disposition of the Indians on our south western frontier and in other parts of the country. After Mr. B. had concluded, Mr. *Nicholas* moved to recommit the bill with instructions to report an organization precisely similar to that which was adopted for the peace establishment in 1815.

After a few words from Mr. *Benton* in opposition to the motion, Mr. *Preston* took a view of the altered condition of the country within a few years. In consequence of the progress made in the manufacture of arms, and in the knowledge of

their use, we have become an armed population. The extraordinary concentration of Indian forces on our frontier has, indeed, rendered it necessary that the government of the United States should adopt a system of preparation corresponding with this aspect of things. But our Indian frontier is not now as exposed and as difficult of defence as it was fifty years ago. The increase of population, of a population abounding in arms and provisions, and having all the facilities which can be obtained from the application of steam to our roads and rivers, and also the additions made to our military strength, have placed all our western frontier in a state of comparative security. He went on to speak of the degeneracy of the Indian character, and the numerical diminution of the tribes; but at the same time admitted that the provident care of the government ought to be exhibited in extending to the frontier a proper degree of protection. He inferred, from a general survey of the facts, that an increase of the army is necessary; and the only difficulty was as to the extent of such increase. At present, we have thirteen regiments in service, amounting to about 6,000 men. There are 40 or 50 in each company. The present bill increases the number of the company to between 80 and 90. It was his opinion that the companies ought to be so increased as to make an aggregate of about 9,000. The object had been to increase the efficiency of the army, without disturbing its organization.

There had been found to be a great deficiency in the staff, which was totally inadequate to the performance of the duties required of it. Much had been done to make the staff more efficient, and more was in progress. The staff of the inspectors and the quartermaster's departments demand an increase. He was willing that there should be a general recommitment of the bill, so as to obtain the sense of the senate as to an increase of the army.

Mr. *Calhoun* called for a division of the question so as to take the question first on the recommitment and afterwards on the instructions. He was in favor of an increase of the army but opposed to a new organization; and thought there was nothing in the character of our foreign relations to shake the belief that it would depend on our own prudence to remain at peace with all nations. It was only in relation to our Indian relations that any additional force was required, and he was willing to place the country in a state of defence—but not a man more than was necessary for that purpose.

Mr. *Porter* coincided in opinion with Mr. *Calhoun*, that there was just grounds for an increase of the army. The ability of the country to bear the expense of a standing army was undoubted, and he dreaded no danger from such an army to our liberties whilst it was kept to a *minimum* of thrice the amount of men now asked for. He admitted that the Indian tribes were incompetent to carry on a prolonged warfare against the United States, but we ought to be prepared to meet those outbreaks which cause so much destruction before they are met and repelled. This much is due to the people exposed to their outrages—for the Indians now to be removed, burning with indignation and a sense of wrong, will go to their new homes fired with a desire for vengeance—and it only needed a man of commanding genius to bring the entire race along our frontier, in the field against the United States—the power and energies of the Camanches alone are sufficient to send them as formidable enemy, &c. He was therefore in favor of the commitment with instructions.

Mr. *Preston* repeated what he had before stated as to the extent of the Indian frontier, and went more minutely into detail, in order to show that he had under-estimated the extent rather than gone beyond it. It was necessary to give a fair defence to that frontier, not by drawing a line of river fortresses, but by giving a sufficient force. Two regiments of dragoons have been given to the gentlemen from the west. Do they want another regiment, let them take it. It was useless to carry on a war in the swamps, where the army might as well be sent to hunt a deer or a racoon as an Indian. But, in the western prairies, it is different. The Camanches are mounted Tartars, and strike from a distance, and they must be encountered by dragoons. He would not oppose any measure to give the utmost defence to the frontier settlements; but it was not in the power of government to give them full and perfect defence. He touched on the situation of our south western frontier, and expressed a hope that the day was not distant when, instead of calling Fort Towson our south west post, we should have our forts on the Rio del Norte.

Mr. *Porter* said a few words in explanation of his former remarks.

Mr. *Benton* protested against the recommitment, which must be entirely useless without the instructions, so as to put the committee in possession of the sense of the senate. The bill was then ordered to be recommitted.

The question being then on the instructions to the committee, Mr *Calhoun* moved to lay the subject on the table, in order to take up the special order. He withdrew his motion, and Mr. *Porter* expressed his hope that the question would be taken, as the bill was already committed and it was important to take the question on the instructions.

Mr. *Buchanan* asked what was the strength of the army in 1815. Mr. *Benton* replied that the total of the army in 1815 was 12,356. Mr. *Preston* said that, if the senator from Louisiana would withdraw his instructions, he would move to fill up the rank and file of the companies to a specific amount, without touching the organization. Mr. *Calhoun* was against any instructions. Mr. *Porter* called for the yeas and nays, which were ordered.

Mr. *Benton* made some observations on the increased extent of our boundary, and ridiculed the idea of transporting by steamboats a sufficient force to protect that frontier. He adverted to the destruction of life and property which had been already perpetrated, and stated that the west must have the defence to which it was entitled.

Mr. *Linn* read an extract from the report of the secretary of war, in which it was estimated that when the whole of the Indians intended to be removed shall be concentrated on the western shore of the Mississippi, they will amount to 250,000. He added a few words in favor of the concentration of a military force on the frontier to protect it against the danger to be apprehended from this larger force.

Mr. *Calhoun* took a view of the present force of the country, and indicated in what manner the regiments we now have might be stationed, in order to effect an efficient defence of our frontier. He was disposed to fill up the companies, so as to render the regiments more competent.

Mr. *Clay* thought it unnecessary to go into a general discussion of the necessity of increasing the army. No senator would hold himself committed by instructions, when the whole question of the policy of any increase shall come up for discussion. He smiled at the picture which had been drawn of our danger. One would have supposed that all at once a gallant nation of some millions had been suddenly precipitated on our frontier, instead of a few miserable Indians. He saw no necessity for any increase of the army.

The question was then taken on the instructions, and decided as follows:

YEAS—Messrs. Benton, Black, Buchanan, Cuthbert, Grundy, King, of Alabama, King, of Georgia, Linn, Morris, Nicholas, Porter, Ruggles, Tallmadge, Tipton, Walker, Wall, White, Wright—18.

NAYS—Messrs. Brown, Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, Mangum, Moore, Naudain, Prentiss, Preston, Rives, Robbins, Robinson, Shepley, Southard, Swift, Tomlinson, Webster—25.

The following message was received from the president of the United States:

To the senate of the United States:

The act of congress "to appoint a day for the annual meeting of congress," which originated in the senate, has not received my signature. The power of congress to fix, by law, a day for the regular annual meeting of congress is undoubted; but the concluding part of this act, which is intended to fix the adjournment of every succeeding congress to the second Monday in May, after the commencement of the first session, does not appear to me in accordance with the provisions of the constitution of the United States.

The constitution provides—

1st article, 5th section—"That neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting."

1st article, 6th section—"That every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on the question of adjournment), shall be presented to the president of the United States, and, before the same shall take effect, shall be approved of by him," &c.

2d article, 2d section—"That he (the president) may, on extraordinary occasions, convene both houses of congress, or either of them; and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such times as he thinks proper." &c.

According to these provisions, the day of the adjournment of congress is not the subject of legislative enactment. Except in the event of disagreement between the senate and house of representatives, the president has no right to meddle with the question, and, in that event, his power is exclusive, but confined to fixing the adjournment of the congress whose branches have disagreed. The question of adjournment is obviously to be decided by each congress for itself, by the separate action of each house for the time being, and is one of those subjects upon which the framers of that instrument did not intend one congress should act, with or without the executive aid, for its successors. As a substitute for the present rule, which requires the two houses by consent to fix the day of adjournment, and, in the event of disagreement, the president to decide, it is proposed to fix the day by law, to be binding in all future time, unless changed by consent of both houses of congress, and to take away the contingent power of the executive, which, in anticipated cases of disagreement, is vested in him. This substitute is to apply, not to the present congress and executive, but to our successors. Considering, therefore, that this subject exclusively belongs to the two houses of congress, whose day of adjournment is to be fixed, and that each has at that time the right to maintain and insist upon its own opinion, and to require the president to decide in the event of disagreement with the other, I am constrained to deny my sanction to the act herewith respectfully returned to the senate. I do so with greater reluctance, as, apart from this constitutional difficulty, the other provisions of it do not appear to me objectionable.

ANDREW JACKSON.

Washington, June 9, 1836.

The message was ordered to be printed, and made the order for Wednesday next.

The senate proceeded to the consideration of the bill to regulate the deposites of the public money.

Mr. *Wright* moved several amendments, which were agreed to.

Mr. *Leigh* moved an amendment providing that each bank shall have on the — day of —, and thenceforth to keep in its vaults specie to the amount of one-fourth of its business capital. [The object of the amendment is to impose on every bank desirous to become a deposite bank, the condition specified, that it must have within its vaults, previous to the day named, the proportion of specie, in order to qualify it to become a deposite bank.

It is optional with the bank to accept or reject the deposites under this condition.]

Mr. *Webster* pointed to a state of circumstances, contingent but not improbable, when it would be found that our specie basis is not sufficiently broad; and inasmuch as this bill would have the effect of coercing banks to keep a certain amount of specie in their vaults, it would be a restraint on exportation, and beneficial to the country.

Some discussion took place between Messrs. *Ewing*, of Ohio, *Buchanan*, *Grundy*, *Crittenden*, *Morris*, *Walker* and *Calhoun*; and before any question was taken, the senate adjourned.

June 11. The senate, having disposed of a number of petitions, reports, &c. on motion of Mr. *Ewing* took up the bill to change the mode of conducting the sales of public lands, which was postponed till Wednesday next and made the special order for that day.

On motion of Mr. *Wright*, the senate proceeded to consider the bill repealing the 14th section of the act to incorporate the subscribers to the bank of the United States, &c. and it was ordered to a third reading. [Passed the next day.]

On motion of Mr. *Davis*, the senate proceeded to consider the bill in addition to an act for the relief of sick and disabled seamen; and it was ordered to a third reading. [Passed next day.]

A number of private bills were considered as in committee of the whole and variously disposed of.

On motion of Mr. *Crittenden* the senate agreed to reconsider the vote by which the bill in addition to an act for the relief of sick and disabled seamen was ordered to be engrossed. This object was to exempt the navigators of flats and rafts from the tax of twenty cents per month, whom he thought ought to have the benefit of the hospital fund without such an imposition upon them. It was melancholy, he said, to see the decay in this mode of navigation. The time was when the flat boat moved in stately grandeur down the Ohio, the monarch of the stream—now, the few that were left were glad to slink out of the way of the steamboats which had usurped their sovereignty. It was a melancholy illustration of the mode in which old things give way to the new.

After some remarks from Mr. *Davis*, who stated that the whole proceeds furnished by the west towards the hospital fund in the last year were only $4,000, whilst there were facts to prove that the collector at Louisville had received between $5,000 and $6,000 for the fund, of which he had rendered no account whatever, and thought that all persons who participated in the benefits of the funds should contribute, in some measure, in support of it, Mr. *Crittenden* moved an amendment to accomplish his object, which, after some remarks from Messrs. *Davis*, *Hendricks* and *Linn*, was agreed to.

Mr. *Linn* then moved an amendment providing an appropriation for the erection of hospitals at such points in the west as may be designated by the secretary of the treasury—but he withdrew it at the suggestion of Mr. *Davis*, and at the same time disclaimed any intention of embarrassing the bill, which he would vote for with or without the amendment. Mr. *Clay* concurred in the propriety of the amendment offered by Mr. L. and thought that the western waters had a strong claim upon the liberality of the government—but as it was suggested that the desired object might be accomplished in another way he would not press the proposition.

The bill was then reported as amended, and the amendment was concurred in—and, after some further discussion, the bill was ordered to be engrossed.

The bill supplementary to the act to establish the northern boundary of Ohio and to provide for the admission of Michigan was read a third time and passed.

On motion of Mr. *Benton*, (1 o'clock), the senate proceeded to the consideration of executive business; and, after remaining for some time with closed doors, on reopening them, the senate adjourned.

June 13. Mr. *Hubbard* presented the credentials of John Page, elected a senator from New Hampshire, to fill the vacancy occasioned by the resignation of Isaac Hill. The credentials were read, and Mr. Page, having appeared, was sworn and took his seat.

Mr. *Clay* presented a memorial from sundry citizens of Shelby county, in the state of Kentucky, praying for the recognition of the independence of Texas. This memorial was subscribed by many citizens, several of whom were personally known to him as among the most respectable in the highly respectable community to which they belonged. As a committee, of which he had the honor of being a member, was now deliberating upon the subject of the memorial, he would now not say more than to move the reference of the memorial to the committe on foreign relations; which was accordingly ordered.

Mr. *Wright* presented a similar petition from a number of citizens of Albany, N. Y. which was referred to the same committee.

Mr. *Niles* presented the joint resolution of the legislature of Connecticut recommending the recognition of Texas, and accompanied it by some remarks, in the course of which he said he would be willing to declare the independence of Texas whenever it should be ascertained that the people of Mexico should so will it—but he did not consider the capture of Santa Ana as decisive of the conflict, and thought the action of the legislature of Connecticut premature though the object was desirable. Mr. *Walker*, in reply, stated as his conviction, that the action of the legislature of Connecticut would form one of the brightest pages in the history of that state, and expressed an opinion that unless we promptly acknowledge the independence of Texas, England would for the purpose of obtaining commercial advantages. The petition was then referred.

After several bills had been reported and resolutions received, (among the latter one offered by Mr. *Benton* calling on the president to ascertain on what terms the deposite banks will agree to discontinue all paper currency in notes of less value than twenty dollars), the senate proceeded to consider the bill to regulate the deposites of the public money. The question being on the motion of Mr. *Leigh* to amend by inserting a provision that the banks receiving the public deposites shall, upon a day fixed, show that they have in their vaults a specified proportion of specie.

After a few words from Mr. *Leigh*, the amendment was agreed to. Mr. *Calhoun* moved to strike out the whole of the amended clause. The amendment was agreed to. The bill was further amended, on motions of Mr. *Leigh*, Mr. *Wright* and Mr. *Walker*.

Mr. *Wright* moved an amendment rendering it necessary that the banks should have in their vaults as much specie as the secretary of the treasury may think necessary to insure the safety of the public deposites therein. The amendment was agreed to.

Mr. *Benton* moved to amend the bill by inserting a provision that the surplus public deposites shall be sent to the U. States mint, for the purpose of coining or for safe keeping.

Some discussion ensued on this proposition, in which Mr. *Ewing*, of Ohio, Mr. *Leigh* and Mr. *Benton* took part.

On motion of Mr. *Benton*, the question was divided, and the yeas and nays were ordered on the first branch of the question. The question was then taken, and decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, King, of Alabama, King, of Georgia, Knight, Morris, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, Wright—22.

NAYS—Messrs. Calhoun, Clay, Crittenden, Ewing, of Ohio, Goldsborough, Kent, Leigh, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Swift, Webster—17.

The question was then taken on the second branch of the amendment, and decided as follows:

YEAS—Messrs. Benton, Brown, Ewing, of Illinois, Grundy, McKean, Morris, Nicholas, Niles, Page, Robinson, Ruggles, Walker, White—13.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing, of Ohio, Goldsborough, Hendricks, King, of Alabama, King, of Georgia, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Rives, Robbins, Shepley, Swift, Tallmadge, Tomlinson, Webster, Wright—28.

Mr. *Benton* moved to amend the bill in the fifth section, so as to have a preference given to such banks, in the selection of deposite banks, as will engage to issue no notes of less than $20 denomination, and be able to restore a gold circulation, and asked the yeas and nays, which were ordered.

YEAS—Messrs. Benton, Black, Brown, Grundy, King, of Geo. McKean, Morris, Niles, Page, Rives, Robinson, Ruggles, Tallmadge, Walker, White—15.

NAYS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing, of Ill. Ewing, of Ohio, Goldsborough, Hendricks, King, of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Shepley, Swift, Tomlinson, Webster—23.

Mr. *Porter* moved to amend the 13th section, so as to exempt from division at the banks the sum received under the bill to appropriate, for a limited time, the proceeds of the public lands. Mr. *Calhoun* moved to amend this amendment, by adding the words "provided said bill shall become a law." The yeas and nays being demanded and ordered, the question was taken on the motion of Mr. *Calhoun*, and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Porter, Prentiss, Preston, Robbins, Swift, Tomlinson, Webster, White—22.

NAYS—Messrs. Benton, Brown, Cuthbert, Ewing, of Ill. Grundy, Hubbard, Morris, Naudain, Nicholas, Niles, Rives, Shepley, Tallmadge, Tipton, Walker, Wright—16.

The question was then taken on Mr. *Benton's* amendment as amended, and decided as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing, of Ill. Hendricks, Hubbard, King, of Georgia, Morris, Niles, Prentiss, Rives, Ruggles, Shepley, Walker, White—15.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Grundy, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Preston, Robbins, Swift, Tallmadge, Tipton, Tomlinson, Webster, Wright—25.

Mr. *Calhoun* moved to fill the blank for the amount of money to be left in the treasury with "two millions."

Before any question was taken, after a few words from Mr. *Calhoun* and Mr. *Webster*, the senate adjourned.

June 14. Several bills were received from various committees, read and disposed of. About eighty individual pension bills received from the other house, were read twice and referred to the committee on pensions.

On motion of Mr. *Grundy*, the senate proceeded to consider the bill to reorganize the post office department. Various amendments to the bill reported by the committee, having been agreed to, considerable time was spent in considering that section of it relating to private boxes, in post offices, when, on motion of Mr. *Calhoun*, the bill was laid on the table.

The senate resumed the consideration of the bill to regulate the deposites of the public money.

The question pending being on filling the blank for the amount reserved in the treasury with "two millions," to which Mr. *Wright* had moved an amendment to insert "after the outstanding appropriations have been satisfied;" a debate ensued in which

Messrs. *Wright*, *Webster*, *Walker*, *Ewing*, *Buchanan*, *Calhoun*, *Morris* and *Tallmadge*, participated.

Mr. *Wright* then waived his motion, and Mr. *Tallmadge* moved a substitute; which was agreed to.

Mr. *Calhoun* moved to fill the blank for the amount to be received in the treasury, with "five millions." Mr. *Webster* said he should propose "three millions." The question was taken on five millions, and decided in the affirmative—yeas 22, nays 18.

Mr. *Wright* moved a recommitment, with instructions to divide the two branches into two separate bills, so as to make the distribution of the surplus the subject of one bill, and the regulation of the deposites in the banks the subject of the other. Mr. W. stated that he was willing to vote for that relative to the regulation of the deposites, but he did not think he could vote for the distribution.

On motion of Mr. *Wright*, the yeas and nays were ordered on this motion, and the question being taken, it was decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hubbard, King, of Ala. King, of Georgia, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, Wright—23.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Swift, Tomlinson, Webster—20.

Mr. *Buchanan* offered a resolution instructing the committee on finance to inquire into the expediency of allowing compensation to the senators and representative from Michigan; which lies one day on the table. Mr. *White* moved to reconsider the vote by which the bill to regulate the deposites had been recommitted. On motion of Mr. *Webster* the senate adjourned.

June 15. A message was received from the president of the United States, in reply to a call on the secretary of state for information as to the Mexican depredations committed on the property of Choteau and De Mun; which was referred to the committee on foreign relations, and ordered to be printed.

Mr. *Davis*, from the committee on commerce, reported, with amendments, the bill from the house of representatives to regulate the compensation of certain officers of the revenue, (officers of revenue cutters.)

Mr. *Walker*, from the select committee on the subject, made a report at length on the subject of the sales of the public lands, which he read from the secretary's table, occupying nearly three-quarters of an hour, accompanied by a bill prohibiting sales of the public lands by action, &c.

The bill was read, and ordered to a second reading, and 5,000 extra copies of the report were ordered to be printed.

A message was received from the president of the United States communicating a correspondence with the British government on the subject of the north eastern boundary. The message referred it to the senate to decide as to the propriety of publishing the correspondence.

The message having been read,

Mr. *Clay* stated that he had not been able to look into the correspondence, and was not at present able to say whether it ought to be published or not. The president had left it to the judgment of the senate. This was not according to his usual course, as he had in this instance refused to take responsibility upon himself. It would be improper to order the printing without some examination, as it might afterwards turn out that, by the publication of something which it might be improper to lay before the world, the senate might have committed themselves. The senators from Maine and Massachusetts ought to be consulted on this matter. The proper course, as it appeared to him, would be to refer the message to the committee on foreign relations, where the documents would be accessible to those senators, and he for one would be happy to avail himself of their advice. He moved to refer the message and documents to the committee on foreign relations.

Mr. *Shepley* said that if there was any thing unusual in the message, there was something also unusual in the resolution calling for this information. He did not object to the motion of reference. Mr. *Clay* explained that he had only said that the president had departed from his usual course of evading responsibility when he transferred to the senate the responsibility of deciding on the publication of these documents.

Mr. *Webster* said he was quite satisfied with the direction proposed to be given to the documents. The resolution calling for this information was offered by him, and the terms suggested the alternative of a confidential reply, if deemed necessary. The information had not been communicated confidentially, but it was left to the senate to determine whether the correspondence shall be published or not. This was all right and proper, he was bound to presume, and that there are good reasons for it. He was perfectly willing to refer the message to the committee on foreign relations, in order that, if there be any doubtful matter in reference to its publication, the doubt may be settled on the safe side.

The message was then referred to the committee on foreign relations.

Mr. *Preston* laid on the table a resolution calling on the president for information touching the political condition of Texas, the organization of a government in that country, &c. and any correspondence which may have taken place between the government of the United States and the government of Texas, or any of the commissioners of that government.

Mr. *Webster* offered a resolution calling on the secretary of the treasury, early next session, to inform the senate as to the most suitable places and plans, where and how hospitals for sick and disabled seamen may be erected—which, after some explanatory remarks, was agreed to.

The resolution offered yesterday by Mr. *Buchanan*, instructing the committee on finance to inquire into the expediency of paying the senators and representative from Michigan, was taken up for consideration. Mr. *Buchanan* stated that this resolution was adopted in conformity with the practice established on the admission of Missouri. The resolution was agreed to. On motion of Mr. *Webster*, the joint resolution fixing the day for the adjournment of the two houses for the 4th of July next, was taken up, considered, and concurred in.

The senate resumed the consideration of the bill to regulate the deposites of the public money.

The pending question being on the motion of Mr. *White* to reconsider the vote by which the bill had been recommitted with instructions to report separate bills, a discussion ensued between Mr. *White*, Mr. *Wright*, (who asked for the yeas and nays, which were ordered), Mr. *Webster*, Mr. *Benton*, Mr. *Calhoun*, Mr. *Black* and Mr. *Morris*, when the question was taken on the motion to reconsider, and decided in the affirmative—yeas 22—nays 21.

Mr. *Wright* then moved to amend the instructions: when, on motion of Mr. *Webster*, the further consideration of the bill was postponed and it was made the order of the day for tomorrow.

On motion of Mr. *Ewing*, the senate took up, for consideration, the bill to change the mode of conducting the sales of public lands, which was discussed and then laid on the table.

On motion of Mr. *Wright* the senate proceeded to consider the act authorising the secretary of the treasury to act as agent of the United States in all matters relating to the stock of the bank of the United States, which was ordered to be engrossed.

Some time was spent in considering the bill to promote the useful arts, when it was laid on the table; and on motion of Mr. *Hubbard*, the senate went into the consideration of executive business, and after remaining a short time with closed doors, adjourned.

June 16. The *chair* laid before the senate a communication from the department of war, enclosing reports of the commissioner of Indian affairs, the commissary general, and the second auditor, concerning the enrolment, organization, and emigration of the Cherokee Indians; which was ordered to be printed.

Mr. *Webster*, from the committee on finance, to whom was referred a resolution to inquire into the expediency of allowing compensation to the senators and representative from Michigan, and also a report made by the secretary of the senate, reported a bill in addition to the act making appropriations for the civil and diplomatic expenditures of the United States for the year 1836; which was read twice, considered as in committee of the whole, and ordered to a third reading.

Mr. *Wright* asked and obtained leave to introduce a bill to pay in advance the amount of the indemnity under the French and Neapolitan treaties; which was read a first time, and ordered to be printed.

After a number of private bills had been reported and disposed of, and some time spent in considering the report of the committee on pensions adverse to the claim of Humphrey Marshall, which was laid on the table, the senate, on motion of Mr. *King*, of Alabama, took up the bill authorising the governor and legislative council of Florida to sell the lands heretofore reserved for a seminary of learning—which was amended so as to limit the extent of the sales to one-half of the land, and then ordered to a third reading.

The senate proceeded to consider the amendment of the house of representatives to the bill supplementary to the bill to

provide for the admission of Arkansas into the union, and concurred therein.

The senate also concurred in the amendment of the house to the bill supplementary to the bill to establish the northern boundary line of Ohio.

On the amendment of the house to the bill to provide for the due execution of the laws in the state of Michigan, a motion was made by Mr. *Buchanan* to disagree with the amendment. Some discussion being about to ensue, the bill, on motion of Mr. *Calhoun*, was laid on the table.

An act authorising the secretary of the treasury to act as agent of the United States in all matters relating to their stock in the bank of the United States, was read a third time, and passed.

The senate proceeded to consider the bill to regulate the deposites of the public money.

The question being on the motion of Mr. *Wright* to recommit the bill, all the amendments, and the substitutes reported by the committee on finance, to the committee on finance, with instructions to report two bills, &c. Mr. *Calhoun* objected to the latter part of this motion as out of order, and referred to the manual to sustain his objection. The *chair* (Mr. *King*, of Alabama) taking a different view of the question, the objection was not pressed.

The question was then taken on the motion of Mr. *Wright*, and decided as follows:

YEAS—Messrs. Benton, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hubbard, King, of Ala. King, of Geo. Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, Wright—21.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Morris, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—25

Mr. *Walker* moved to amend the bill by inserting a provision that the distribution of the surplus revenue shall be made in the ratio of the representative federal apportionment, and asked for the yeas and nays; which were ordered.

After a few words from Messrs. *Webster*, *Calhoun*, *Walker* and *Benton*, the question was taken on the motion of Mr. *Walker*, and decided as follows:

YEAS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hendricks, Hubbard, King, of Ala. King, of Geo. Linn, Moore, Nicholas, Page, Porter, Rives, Robinson, Ruggles, Shepley, Tipton, Walker, Wall, White—23.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Kent, Knight, Leigh, McKean, Mangum, Morris, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tallmadge, Tomlinson, Webster, Wright—22.

Mr. *Wall* moved so to amend the bill as to provide that there shall be one deposite bank in each state; which was agreed to.

Mr. *Wright* moved to amend the bill by striking out the 13th section, and inserting the 13th and 14th sections of the substitute which he had originally offered, which provided for the purchase of stocks. On this motion he asked the yeas and nays, which were ordered.

The question was taken and decided as follows:

YEAS—Messrs. Cuthbert, Rives, Tallmadge, Wright—4.

NAYS—Messrs. Benton, Black, Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King, of Alab. King, of Georgia, Knight, Linn, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Walker, Wall, Webster, White—39.

Mr. *Hendricks* moved an amendment which was negatived.

Mr. *Clay* moved to strike out the exemption of the amount of one-fourth of the capital of the deposite banks' from paying interest on the public deposites, and to raise the interest on all the public deposites in the banks from two to four per cent.

Mr. *Clay*, after some debate, withdrew his proposition. Mr. *Benton* moved an amendment to substitute "loaned to" the states, instead of "deposited with." His object was to have things expressed by their right names. His proposition was negatived—yeas 5. Mr. *Walker* moved an amendment in reference to the bank of Mississippi, which was lost—yeas 15, nays 26. Mr. *Wall* moved a proposition that the amount of deposites in each state should be as nearly as practicable in proportion to the ratio of federal representation, but the motion was not sustained. The bill was then reported as amended.

Mr. *Webster* moved to strike out the amendment adopted in committee, on motion of Mr. *Walker*, and to insert the provision which was stricken out.

The question was taken, and decided as follows:

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Kent, Knight, Leigh, McKean, Mangum, Morris, Naudain, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tallmadge, Tomlinson, Webster, Wright—23.

NAYS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, Hubbard, King, of Ala. King, of Georgia, Linn, Moore, Nicholas, Niles, Page, Porter, Rives, Robinson, Shepley, Tipton, Walker, Wall, White—23.

So the motion was lost, there being a tie.

Mr. *Tipton* moved to amend the bill by striking out the 11th section, which provides for interest on the deposites, and asked for the yeas and nays; which were ordered. The motion was decided in the negative—yeas 7, nays 39.

Mr. *Walker* renewed his motion made in committee, to exempt from interest the deposites in the bank of Mississippi.—He stated that the constitution of the state would not permit her to take the deposites on interest. The motion was negatived—yeas 21, nays 24. Mr. *Black* moved to strike out the 13th and 14th sections of the bill, relating to deposites in the state treasury; which was negatived—yeas 7, nays 39.

The amendments of the committee were then all concurred in.

The question on the engrossment of the bill was taken by yeas and nays, and decided as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King, of Alabama, King, of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Naudain, Nicholas, Niles, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, White—40.

NAYS—Messrs. Benton, Black, Cuthbert, Grundy, Walker, Wright—6.

So the bill was ordered to be engrossed. The senate then adjourned.

HOUSE OF REPRESENTATIVES.

Thursday, June 9. (*In conclusion.*) After Mr. *Vinton*, who was speaking at the date of our last abstract, had concluded, the debate was continued by Messrs. *Hamer*, *Storer*, *Hannegan*, *Wise*, *Huntsman* and *McKeon*. The question was then taken on Mr. *Vinton's* amendment, (see page 255), and rejected. Several other amendments offered by Messrs. *Love* and *Robertson* were also rejected.

Mr. *Adams* said that he wanted to offer an amendment, which he had not had time to prepare; and he wished a further opportunity. His desire was to admit the state of Michigan by a bill for that purpose alone, separate from all questions of boundary. He believed the people of Michigan had a right to admission, but he wanted the question of disputed boundary to be left for future adjustment. Mr. *Thomas* suggested that it would be better to let the bill be reported, and offer it in the house. Mr. *Adams* said he would if the screws would not be applied. Mr. *Thomas* said he could make no pledges for the house; but if could make no difference to the question. Mr. *Adams* said it would make a difference, for in committee he could argue the propriety of the amendment, without being cut off by the previous question. He moved that the committee rise. Mr. *Russell* moved to amend the bill, so as to provide that none but free white male citizens should be voters; which was lost. The bill was then laid aside, and the bill for the admission of Arkansas was taken up.

It being now past midnight, it was moved that the committee rise—year 17, nays 92—not a quorum.

Mr. *Sevier* requested Mr. *Phillips* to withdraw his motion. Mr. *Phillips* said that if, with a knowledge of the fact that a quorum was not present, he could be persuaded to withdraw his motion, or to refrain from insisting that the chairman rise and report the fact to the house, according to its rules, for the purpose of acting upon a bill to ADMIT A STATE INTO THE UNION, he should feel himself unworthy of the place he held.

The committee then rose, and reported the fact that they were without a quorum.

Mr. *Reed* moved an adjournment, on which question the yeas and nays were ordered on motion of Mr. *Sevier*. At the request of Mr. *Adams*, the hour (near 1 o'clock, A. M.) was noted on the journal. The question was then taken on the motion, which was rejected—yeas 24, nays 98.

There being a quorum, the house again went into committee upon the bill for the admission of Arkansas.

Mr. *L. Williams* moved to amend the bill, so as to reduce the judge's salary for that district to fifteen hundred dollars. A motion was again made that the committee rise, and the vote was, yeas 15, nays 95—not a quorum; and the members having been counted, 112 were reported present. Mr. *Sevier* said he did not wish to press the bill at that late hour of the night. When the committee had risen, he said, he should be satisfied if the house would make the bill the special order for to-morrow (yesterday) at 10 o'clock. Loud cries of no, no. The committee rose, and reported that they were without a quorum. A motion was made to adjourn, which was lost.

A call of the house was ordered, at near half past one o'clock, and was proceeded in, till, at about half past four, 112 members having answered, and several absentees having been sent for, and brought up in custody of the sergeant-at arms, a motion to excuse all the absentees prevailed, and the doors were opened.

The house again went into committee of the whole, and resumed the consideration of the Arkansas bill. Mr. *Adams* moved to insert a similar provision in the bill, to that included in the acts of several of the new states, respecting the emancipation of slaves. Mr. *Adams* also moved to amend the bill by introducing a clause "that nothing in this act shall be construed as an assent by congress to the article in the constitution of the said state in relation to slavery and the emancipation of slaves."

This motion was debated at some extent by Messrs. *Adams*, *Cushing*, *Hard* and *Briggs* in favor of it, and Mr. *Wise*; and was negatived, at about four o'clock in the morning, by a vote of 98 to 32. Mr. *Adams* moved that the committee rise. Lost

—44 to 93. Amendments moved by Mr. *Adams* and Mr. *Harlan*, (the latter of which went to reduce the salaries of the judges from $2,000 to $1,500), were rejected.

The Arkansas bill was then laid aside, and the committee took up the "bill supplementary to the bill for the admission of Arkansas into the union, and for other purposes." Mr. *Mason*, of Virginia, moved that the committee rise, and report the two Michigan and Arkansas bills to the house. After some confusion, which arose from a question whether the Michigan bill was still open to amendment, Mr. *Mason* withdrew his motion, and Mr. *Underwood* moved an amendment prescribing certain other conditions on which Michigan should be admitted. Lost. Mr. *Mason*, of Virginia, renewed the motion that the committee rise, and report the bills to the house. [This was about 7 o'clock.]

Mr. *Slade* moved to amend the bill by inserting therein the following:

"After the words in the first section, 'that the state of Arkansas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the union on an equal footing with the original states in all respects,' add, 'whenever the people of said state shall, by a convention, duly elected, expunge from its present constitution so much thereof as prohibits the general assembly from passing laws for the emancipation of slaves without the consent of the owners; and shall also provide in and by said constitution that no negro or mulatto, born in, or brought into said state after its admission in the union, shall be held or transferred as property, or in any way subjected to slavery or involuntary servitude, unless in punishment for crimes committed against the laws of said state, whereof the party accused shall be duly convicted.'"

Mr. *Cave Johnson* made a question of order. The Arkansas bill having been laid aside, it was not open to amendment. After some conversation and considerable confusion, Mr. *E. Whittlesey* appealed to the gentleman from Vermont to withdraw the amendment, one of the same tenor having been offered by the gentleman from Massachusetts, (Mr. *Adams*), and rejected. Mr. *Slade* declined and addressed the house in support of the motion. Mr. *Jenifer* rose to reply, and proceeded to make some general remarks on the subject of the abolition movements, when he was called to order by Mr. *Bynum* and others, on the ground that his remarks were irrelevant. After some words between Messrs. *Jenifer* and *Bynum*, the motion of Mr. *Slade* was rejected.

Mr. *Wise* then rose and addressed the house, at length, in opposition to the course of the majority, in pressing this question upon a house, sleepy, tired and drunk. He was opposed to the motion that the committee report the bills, and said he would speak till 10 o'clock, when the house would be under the necessity of dropping the subject, as it was not a special order for Friday. Mr. *Wise* several times gave way to motions that the committee rise, which were lost, without a count. At half past nine, Mr. *Wise* having yielded the floor, Mr. *McKennan* suggested that, as the members were much exhausted, the committee should rise with the understanding that the house should then adjourn till to-morrow, when the gentleman from Virginia would resume his remarks. Mr. *Wise* said that it was true that he was in an unfit condition to continue his remarks; but it was near ten o'clock, and he had it in his power to have his will over this subject, and, so help him God, he would persevere, if he died by it. Mr. *Wise* proceeded in his remarks till ten o'clock. Mr. *Chambers*, of Kentucky, then rose, Mr. *Wise* having temporarily yielded the floor, and called upon the chair to decide whether the committee could continue to sit, it now being ten o'clock, the hour assigned by the rules for the house to meet, and the speaker to take the chair. Mr. *Wise* said he would ask of the sergeant-at-arms, where now is the SPEAKER of the house? "In his room," was answered by some one.

Mr. *Denny* called for the reading of the rules of the house respecting the daily adjournment and meeting of the house. Mr. *Whittlesey* suggested to the chair, whether, in the case of bills made the order of the day for a particular portion of the day, it had not been the uniform practice, when the limited time expired, for the chairman of the committee to leave the chair, to allow the house to proceed on its other business. Mr. *Wise* called for the reading of the resolution by which the bills now before the committee were made the special order of the day.

The resolution was read, "making the bill to establish the northern boundary of Ohio, and the bills for the admission of Michigan and Arkansas into the union, the special order of the day for Wednesday next, and each day thereafter, Fridays and Saturdays excepted, until the same be disposed of." Mr. *McKennan* called for the reading of a resolution, passed some weeks ago, (and it was read), providing that, after a certain day, the daily sittings of the house shall *commence at ten o'clock* in the morning. Mr. *Whittlesey* called for the reading of one of the standing rules of the house, and it was read as follows:

"*Touching the duties of the speaker.* He shall take the chair every day precisely at the hour to which the house shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

Mr. *Love* said he would, with permission of the chair, ask the question, whether, if the committee refused to rise, and sat on until to-morrow, the members of this house would be considered as entitled to pay for two day's or for one day's service? Mr. *McKennan* asked of the chair, as a question of order, whether it was not the duty of the speaker to take the chair every day, on the arrival of the hour of 10 o'clock? The *chairman* said that he should not undertake, in his present place, (of chairman of the committee of the whole) to decide any question in reference to the duty of the speaker of the house. Mr. *McKennan* then moved that the committee rise, for the purpose of deciding in the house that question. Mr. *Pickens* called for the reading of the 105th and 106th rules of the house; and they were read as follows:

"The rules of proceedings in the house shall be observed in a committee of the whole house, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

"No standing rule or order of the house shall be rescinded or changed without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by a vote of at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the house, be postponed or changed, except by a vote of at least two-thirds of the members present."

Mr. *Bell* said he did not know, nor was it material to what he rose to say, what object could be accomplished by prolonging the present sitting: but it was in his opinion, the duty of the committee to rise, in order to decide the question of order now raised. A majority of the committee might indeed oblige the committee to continue in session; but they would do it in defiance of the express rules of the house. There was no alternative in the present case, under the rules, but for the committee to rise. It would be in the power of the majority, when in the house, to direct the continuation of the discussion; to which, for his part, (Mr. B. said), he should not object. But he begged of gentlemen to respect not the parliamentary law, but the positive written rules of the house.

Mr. *Glascock* said that there had in the present case been no adjournment from yesterday's sitting; and that the practice of courts of justice in similar cases would be a proper rule for this house, viz: that the day's sitting should be considered to extend to the time of adjournment. The principle contended for by gentlemen could not apply in the present case, because there had been no adjournment. Mr. *Mason*, of Virginia, suggested, as a mode of freeing the house from its present embarrassment, that the committee should now rise, and let these bills be made the special order for to-day; so that they would come up again as a matter of course, on the house resuming its sitting after an adjournment.

The question was taken on the motion which had been made for the committee to rise, and determined in the negative.

Mr. *Wise* then resumed the thread of his remarks on the bill, and concluded at a little after eleven o'clock. When Mr. *McKennan* obtained the floor. The members of the house were, he said, evidently all worn out by this protracted sitting; many had not slept, and others had not broken their fast. All had need of repose. We have, (said he), fought the bill manfully, and done our best to stave off the decision upon it. My friend from Virginia, (especially) has fought it hard and long, and has, in fact, verified the old adage, *a lean dog, for a long chase.* I hope, sir, the committee will rise, and report the bills, and that we shall adjourn over till to-morrow. Mr. McK. made a motion to this effect.

The motion was carried. The committee rose and reported the two bills, and the house then adjourned over to meet on Saturday, at the usual hour (10 o'clock.)

[We are requested to state that Mr. *Peyton*, who was not in his seat during the call of the house, last night, was detained therefrom, as he has been for most of the time for two or three weeks, by indisposition. *Nat. Int.*]

Saturday, June 11. During the reading of the journal, some disturbance was made by two individuals within the precincts of the house. Cries of "order!" "order!" were heard from every quarter, and the *speaker* commanded the sergeant-at-arms to preserve order. On motion of a member, the party, who appeared to be the assailant, was taken into custody, and after some explanations from Messrs. *Granger*, *Connor* and others, the other party was also ordered to be arrested. The clerk proceeded to read the journal, when Mr. *Adams* moved to amend it by correcting its statement as to the excuse made by Mr. *Hawes*, at the last setting for his temporary absence from the house. This motion gave rise to some discussion, during which the previous question was called and taken and Mr. Adams' motion lost—yeas 32—nays 133. An amendment was then made by general consent, on motion of Mr. *Mercer*. The reading of the journal having been concluded,

Mr. *Judson* offered the following resolution on the subject:

"*Resolved*, That a select committee be appointed to consist of five members, whose duty it shall be forthwith to inquire into an assault committed within the hall of the house of representatives this morning, while the house were in session, for and on account of which two persons are now in custody of the sergeant-at-arms, and said committee are to make their report to this house, and be authorised to administer oaths, and cause the attendance of witnesses."

Some discussion took place on this proposition, in which Messrs. *Adams*, *Bell*, *Mann*, of N. Y. *Vanderpoel*, *Miller*, *C. Allan*, *Craig* and *Bouldin* took part.

In the course of the discussion, Mr. *Bell*, moved the following resolution as a substitute for that under consideration:

Resolved, That the two reporters, Henry G. Wheeler and Robert Codd, who are now in the custody of the sergeant-at-

arms, upon a charge of disorderly conduct, in the presence of the house, be delivered over to the civil authorities, to be dealt with according to law.

Resolved, That, in adopting the preceding resolution, the house are not influenced by an opinion of any deficiency of authority in the house to punish for disorderly conduct committed in their presence.

Mr. *Bell* explained his object to be to get rid of the difficulty without waving the authority of the house in such cases, after which Mr. *Heister* called the previous question, which call was sustained, and then Mr. *Judson's* resolution was adopted without a count.

The following members were appointed as the select committee: Messrs. *Judson*, *Bell*, *Williams*, of N. C. *Mann*, of N. Y. *Mason*, of Va.

On motion of Mr. *Wardwell*, the rules were suspended for the purpose of appropriating the rest of the day to the consideration of the bills reported from the committees of revolutionary and invalid pensions.

The house went into committee of the whole (Mr. *Craig* in the chair) on the whole bills.

The bill extending the provisions of the act entitled "an act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," was first taken up. Some time was spent in its consideration and the bill finished and laid aside.

Mr. *Judson*, from the select committee on the subject of the disturbance which occurred in the house this morning, made a report *in part*, concluding with the following resolution:

"*Resolved*, That *Robert Codd*, having done no act in violation of the privilege or order of the house, be forthwith discharged from custody."

The motion was agreed to.

It was suggested that, in order to justify the detention of the other person, the speaker should issue a warrant.

The *speaker* said he considered it necessary to have the authority of the house for issuing a warrant.

Mr. *Mason*, of Virginia, moved that the speaker be authorised to issue his warrant to the sergeant-at-arms for the arrest and detention of Henry G. Wheeler, for a contempt and breach of privilege of the house by committing an assault on the body of Robert Codd, in the presence of the house; which motion was agreed to.

Two resolutions, of a private character, were then received by common consent, after which the house adjourned.

Monday, June 13. The pension bills ordered to be engrossed on Saturday were severally read a third time and passed. Some business of minor importance, which will be noticed in its further progress, was next transacted, after which the house took up the northern boundary of Ohio and to provide for the admission of Michigan into the union.

Mr. *Vinton* then renewed the motion made by him unsuccessfully in committee of the whole and called for the yeas and nays, which were ordered, when the amendment was negatived by the following vote:

YEAS—Messrs. Heman Allen, Ashley, Bailey, Bond, Boon, Bunch, John Calhoun, W. B. Calhoun, Campbell, Carr, Carter, G. Chambers, J. Chambers, Childs, N. H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Howell, Hunt, Ingersoll, W. Jackson, Janes, Henry Johnson, Benjamin Jones, Kinnard, Lane, Lawrence, Lay, Luke Lea, Lincoln, Love, Lucas, Sampson Mason, Maury, McCarty, McKennan, McLene, Mercer, Milligan, Morris, J. A. Pearce, Pettigrew, Phillips, Pinckney, Reed, Russell, W. B. Shepard, A. H. Shepperd, Shields, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Vinton, Washington, E. Whittlesey, Lewis Williams—81.

NAYS—Messrs. John Q. Adams, C. Allen, Anthony, Ash, Barton, Bean, Beaumont, Bockee, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, J. F. H. Claiborne, Coles, Connor, Craig, Cramer, Cushman, Dickerson, Dickson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Fowler French, Fry, W. K. Fuller, Galbraith, J. Garland, Gillet, Glasscock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, R. M. Johnson, C. Johnson, John W. Jones, Kilgore, Lansing, Laporte, Gideon Lee, J. Lee, Leonard, Lewis, Logan, Loyall, Lyon, Job Mann, Martin, J. Y. Mason, W. Mason, M. Mason, May, McComas, McKay, McKeon, McKim, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, F. Pierce, Dutee J. Pearce, Phelps, Potts, John Reynolds, Jos. Reynolds, Ripley, Roane, Robertson, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, T. T. Whittlesey, Sherrod Williams—126.

Mr. *Adams* moved to amend the bill by striking out the 1st, 2d and 3d sections, and inserting as a substitute certain provisions reserving to Michigan the rights and limits secured to the territory by the ordinance of 1787, and addressed the house for three hours in opposition to the boundary as described in the bill. He examined the provisions of the ordinance of 1787, which, he contended, settled the boundaries of the states of Illinois, Indiana and Ohio, with that of the territories north of those states, definitively and forever; and that the several boundaries could not be altered, unless by the common consent of congress, the states and territories interested and the state of Virginia. He contended that the bill before the house altered the boundary between Michigan and Ohio, to the injury of the former state, and in violation of the original compact.

When Mr. *Adams* had concluded his remarks, several gentlemen addressed the chair, and the floor was obtained by Mr. *Cushman*, who said, that, believing the previous question to be one of the most salutary rules of the house, and believing this to be a fit occasion for its application, he now moved it. Mr. *Adams* remarked that he hoped the yeas and nays would be taken on his motion to amend. Mr. *Vanderpoel* moved a call of the house, and thereupon asked the yeas and nays, which were taken; and the motion was agreed to—yeas 109, nays 43. The call was commenced, and proceeded in for some time, when, on motion of Mr. *Huntsman*, all further proceeding in the call was dispensed with. The previous question was then seconded, and the main question was put on ordering the bill to a third reading, and decided in the affirmative—yeas 153, nays 45.

The bill to provide for the admission of Arkansas into the union was taken up, and the question being on ordering it to a third reading,

Mr. *Mann*, of New York, asked the yeas and nays, and they were ordered.

Mr. *Adams* offered an amendment to the bill providing that Arkansas should be admitted upon the express condition that the state should not interfere with the disposal of the public lands, nor impose any tax upon them, and also providing some restriction in relation to slavery and the emancipation of slaves; which amendment being read, Mr. *Williams*, of Kentucky, moved the previous question. Mr. *Adams* claimed the floor, not having yielded it to any one, and the *chair* gave him the floor. Mr. *Williams*, of Kentucky, insisted upon his right to the floor, and the chair decided that he was entitled to it, if he insisted upon the claim. Mr. *Adams* appealed from this decision, and stated that, having offered an amendment, and retaining the floor, he waited for the reading of the amendment in order to address the house. Mr. *Phillips* expressed an opinion that Mr. *Adams* was entitled to the floor. Mr. *Bouldin*, after some remarks in reply, moved the previous question on the appeal, which being seconded and the main question being ordered, it was put as follows:

"Shall the decision of the chair stand as the judgment of the house?" and it was decided in the affirmative—yeas 97, nays 87.

The question recurring on the motion for the previous question, on ordering the bill to a third reading, it was seconded, and the yeas and nays were ordered on the main question, and being taken, it was decided in the affirmative—yeas 127, nays 67.

Mr. *Reed* asked the yeas and nays on the main question, and it being taken, it was decided in the affirmative, yeas 147, nays 52. It was then ordered that the bill be read a third time this day. The Michigan bill was then read a third time. Mr. *Vanderpoel* moved the previous question on the passage of the bill, and it was seconded. The main question was ordered to be put, and the bill was *passed*. The Arkansas bill was then read a third time. Mr. *Huntsman* moved the previous question on the passage of the bill, which was seconded, and the main question was ordered to be put. Mr. *Heman Allen* asked the yeas and nays, which were ordered. The bill was then *passed*, yeas 143, nays 50. On motion of Mr. *Connor*, the house, at a quarter after six, adjourned.

Tuesday, June 14. On motion of Mr. *Haynes* the house suspended the rules for the purpose of taking up and considering the joint resolution from the senate fixing a day of adjournment of the present congress. [The joint resolution specifies the 23d of May as the day of adjournment.]

Mr. *Haynes* moved to strike out the 23d of May and insert the 27th of June. Mr. *Mann*, of N. Y. moved the 4th of July. These motions to amend gave rise to a desultory debate and to many other motions. Finally the question was taken on the motion to amend by striking out the 23d of May, and inserting the 4th day of July, which was agreed to without a count, and the joint resolution, as amended, was agreed to, and sent to the senate for concurrence in the amendment.

Mr. *Judson*, by general consent, presented the report of the select committee of privilege, in the case of an assault recently committed within the hall, in the presence of the house, which, without reading, was laid on the table, and ordered to be printed.

The bill from the senate *supplementary* to the act for the establishment of the northern boundary line of Ohio, and to provide for the admission of Arkansas into the union, &c. was read twice, and committed to a committee of the whole on the state of the union.

On motion of Mr. *Sevier*, the house resolved itself into a committee of the whole on the state of the union, (Mr. *Pierce*, of New Hampshire, in the chair), and took up for consideration the bill from the senate "supplementary to the act for the admission of Arkansas into the union, and to provide for the due execution of the laws of the United States within the same, and for other purposes."

The bill having been read through, Mr. *Vinton* moved to amend it by adding a section for securing to the Choctaw tribe

of Indians certain rights reserved to them under a treaty with the United States.

Mr. *Vinton* spoke at some length in support of this motion. A debate followed, in which Messrs. *Sevier*, *Parker*, *Love*, *Patton*, *Cushing*, *Cambreleng*, *Howard*, *Huntsman*, *Everett*, *Standefer*, *McKay*, *Toucey* and *Chambers*, of Pa. took part; after which, Mr. *Vinton* withdrew the amendment. The bill was amended, on motion of Mr. *Vinton*, and laid aside. The bill supplementary to the act for the admission of Michigan was taken up. After some remarks from Messrs. *Vinton*, *Garland*, of La. *Sevier*, *Robertson*, *Lane* and *Huntsman*,

Mr. *Robertson* moved to amend the bill by inserting a proviso repealing so much of the act to which the bill is supplementary as sanctions the late election of senators and representatives in congress from Michigan, and providing that a new election shall be held. Lost, 53 to 77. The bill was then laid aside, and the committee took up the bill to provide for the due execution of the laws of the United States in Michigan, and for other purposes.

Mr. *Lane* moved to amend the bill so as to provide that the salary of the district judge shall be 1,500 dollars, instead of 2,000, as proposed in the bill; and that the like salary be allowed to the district judges of Ohio, Illinois, Indiana and Missouri. After some remarks from Messrs. *Lane*, *Toucey* and *E. Whittlesey*, the motion was lost.

Mr. *Hardin* moved to reduce the salary of the district judge from 2,000 to 1,500 dollars; which was agreed to. The committee then rose, and reported the above bills, as amended, and the amendments were severally concurred in, with the exception of the amendment of Mr. *Robertson* to the supplementary Michigan bill, which was non-concurred in. Mr. *Toucey* moved an amendment to the supplementary Michigan bill, directing the manner in which the school lands shall be located.

After some remarks from Messrs. *Toucey*, *E. Whittlesey*, *Storer* and *Vinton*, the motion of Mr. *Toucey* was rejected.

On motion of Mr. *E. Whittlesey*, an amendment was adopted, securing the rights of those persons who bought school lands. The several amendments were ordered to be engrossed, and the bills to be read a third time.

After an ineffectual attempt to induce the house to set apart Monday next for the consideration of the light house bill, &c. on motion of Mr *Speight* it adjourned.

Wednesday, June 15. Mr. *Adams* moved to amend the statement made in the journal of Monday's proceedings in relation to his claiming the floor on that day, after Mr. *Williams*, of Ky. had moved the previous question. Mr. A. contended that the statement did not give correctly the ground upon which he claimed the floor. After some conversation which occupied the house nearly an hour, the previous question was called and seconded, and the question being taken, Mr. *Adams*' motion was rejected—yeas 51, nays 110.

Several bills were reported, severally read twice and committed. Mr. *Whittlesey* made unfavorable reports upon a large number of cases referred to the committee on claims. Some private and unimportant business consumed the remainder of the hour.

The bills from the senate supplementary to the bills for the admission of Michigan and Arkansas into the union were read a third time, and passed.

The bill from the senate to provide for the execution of the laws of the United States in Michigan was read a third time, and passed.

Mr. *Mann*, of New York, moved that the house do now take up the senate bill to settle and establish the northern boundary line of Ohio; which was agreed to.

The bill was then taken up, and gave rise to a discussion between Messrs. *Adams*, *Mann*, *Craig* and *E. Whittlesey*. The question being on ordering the bill to a third reading, after some remarks from Messrs. *Huntsman* and *Bouldin*—Mr. *Miller* called the previous question, which was sustained; and the main question being taken, it was decided in the affirmative—yeas 122, nays 42.

The bill was ordered to be read a third time to-day.

The question being now on the passage of the bill, the debate was renewed—during which Mr. *Reynolds* moved the previous question, when it appeared that there was not a quorum present.

Mr. *Chapin* moved a call of the house, which was agreed to; but during the call the further proceedings were dispensed with. The previous question was then seconded, and the main question was taken and the bill passed.

The bill making appropriations for fortifications for the year 1836, reported to the house with amendments, was taken up for consideration.

The question being stated on concurring in the amendment increasing the appropriation for the fortifications in Charleston harbor to $200,000, some debate followed, in which Messrs. *Hardin*, *Pinckney*, *Cambreleng*, *Parker*, *Grayson* and *Hall*, of Vermont, &c. &c. when on motion of Mr. *Maury*, the house, without taking any question, at about 8 o'clock adjourned.

[In the course of the day, the bill from the senate entitled "an act to provide for the due execution of the laws of the United States within the state of Michigan," was read the third time, when a motion was made by Mr. *Bond* that the vote of yesterday, by which the said bill was ordered to a third reading, be reconsidered. The question being put, it passed in the affirmative.

The said bill having been amended in the committee of the whole yesterday, but by mistake the amendment not having been entered on the proceedings of that day, the said amendment, reducing the salary of the district judge to $1,500, was taken up, read, confirmed and agreed to. And, on motion of Mr. *Bond*, the said bill was then further amended by adding to it the following proviso: "Provided, however, that this act shall not take effect until the state of Michigan shall be admitted into the union, according to the provisions of the act entitled "an act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the union on certain conditions.'" And thus amended the bill passed.]

Thursday, June 16. The house having refused to suspend the rules to permit Mr. *Dickerson* to offer certain proceedings of numerous public meetings held at Fort Gibson on the subject of the acknowledgment by congress of the independence of Texas, on motion of Mr. *Judson* it proceeded to the consideration of the report of the select committee on the subject of the assault committed by Henry G. Wheeler, in the hall of the house of representatives on Saturday last. The report concludes with the following resolutions:

1. *Resolved*, That Henry G. Wheeler has been guilty of a contempt and breach of the privileges of this house, by committing the said assault in the hall of the house of representatives, while the house was in session.

2. *Resolved*, That the said Henry G. Wheeler shall be excluded from any place on the floor or elsewhere in the hall, as a stenographer, to take down the debates of this house:

3. *Resolved*, That the said Henry G. Wheeler be securely imprisoned by the sergeant-at-arms of this house for the remainder of this session; and that the speaker of this house do issue his warrant to carry into effect this resolution.

Mr. *Hawes* moved to amend the resolution by striking out all after the word "resolved" in the first resolution and inserting "that Henry G. Wheeler be discharged from the custody of the officers of the house."

After some suggestions from Messrs. *Adams*, *Evans* and *Hamer*, Mr. *Hawes* modified his motion so as to offer his amendment as a substitute for the third resolution. Mr. *Mason*, of Virginia, called for a division of the question; which was ordered. On motion of Mr. *Heister*, Henry G. Wheeler was then brought to the bar of the house. Mr. *Craig* moved that the interrogatory, "if he had any thing to say why the resolution should not be passed?" should be put to the accused by the speaker. A few words of discussion upon the propriety of putting the question ensued, when Mr. *Chambers*, of Kentucky, said he would end it, by saying, at the request of Mr. Wheeler, that he had nothing farther to say than is contained in the report.

The question upon the first resolution having been put, Mr. *Robertson* moved to amend it by striking out the whole, and inserting, "that H. G. Wheeler be discharged from the custody of the sergeant-at-arms, and be excluded from the hall of the house during the residue of the session, for an indignity to the house;" which motion, after some remarks, was withdrawn, and the first resolution was agreed to, without a division.

The question being upon the second resolution, it was amended on motion of Mr. *Judson*, chairman of the select committee, by adding at the end thereof the words "during the residue of the session," and was also agreed to. The question then being on the third resolution, the amendment offered by Mr. *Hawes*, as above given, was adopted—yeas 123, nays 31; and the resolution, as amended, was agreed to.

The *speaker* then directed the sergeant-at-arms to discharge Henry G. Wheeler from custody, and the house proceeded to the orders of the day, and took up the bill from the senate entitled "an act to appropriate for a limited time, the proceeds of the sales of public lands of the United States and for granting lands to certain states," which occupied its attention till the expiration of the hour.

The house then in pursuance of the special order of the 26th of January, resumed the consideration of the bill making appropriations for certain fortifications of the United States for the year 1836—and having rejected the amendment reported from the committee of the whole, increasing the appropriations for forts in the harbor of Charleston, S. C. and also a motion to reconsider the vote by which that amendment was rejected, the rules were suspended to permit Mr. *Speight* to offer a resolution that the house take a recess this day and each day hereafter from half past two o'clock till four—which resolution was agreed to, ayes 114.

In the evening session the fortificaton bill was again considered, and had not been disposed of, when the last messenger from the office of the Intelligencer left the capitol.

[On Saturday last, Mr. *Judson*, from the select committee appointed under a resolution of the house of representatives to inquire into an assault committed within the hall of the house of representatives, on the morning of the 11th of June, 1836, while the house was in session, reported, in part, that Robert Codd, one of the persons arrested by the order of the house, has done no act which calls for either censure or punishment on the part of the house. The committee therefore recommend the adoption of the following resolution:

"*Resolved*, That Robert Codd, now under arrest, and in custody of the sergeant-at-arms, be and he is hereby discharged." Which resolution was agreed to.]

LAW CASES.

Three day's grace. Many banks, both in this state and elsewhere, have immemorially followed the practice, in discounting notes, of charging interest for *four* days more than the time specified on the face of the instrument. This was done by allowing three day's grace, and by counting both the day on which the note was drawn and that on which it fell due. In the case of McNerly, asignee of the state bank at Trenton, *vs.* the heirs of Drake, this point was raised by the counsel for the defendants; and the supreme court decided that the practice was an usurious one, and vitiated all contracts it entered into. In other words, that it is usury to estimate both the day of the date, and of the maturity, in discounting a note or bill.

Another point raised by the counsel in the same case, says the Trenton Emporium, was, that the practice of taking discount out of notes drawn at ninety days, as though they were drawn at three months, or one fourth of a year, was also usurious. Although no express opinion was given by the court on this point, a sufficient intimation fell from two of the justices to put the community on their guard following this custom.

The court determined, in the case before them, that the usury not having been between the parties in court, the verdict for the plaintiff must be sustained. [*Newark Advertiser.*

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Law of the road. An action of trespass on the case, brought by Eliza Wilson *vs.* the Rockland manufacturing company, was tried in the superior court of Newcastle county, Delaware, recently, under the following circumstances: Miss Wilson was riding in a gig with her brother on the Kennet turnpike road near Wilmington, on the *right* summer road; as they were passing, they were met by a Dearborn wagon belonging to the company, and driven by a person in its regular employment. The dearborn, from the negligence of its driver, ran against the gig, by which the plaintiff was thrown out of it, and considerably hurt, and the horse ran away with the gig. The Rockland company is an incorporated manufacturing company on the Brandywine. The case was argued by Edward W. Gilpin and Richard H. Bayard, esqs. for the plaintiff and James A. Bayard, esq. for the defendants. The facts being fully proved, the court charged the jury that the action was good against the corporation, which was liable for the negligence of its servants or agents, under such circumstances, and that it was immaterial whether such servant was appointed by deed or sealed instrument or otherwise. The jury brought in a verdict for the plaintiff; damages $150.

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In the circuit court—United States vs. A. M. Laub. The defendant in this action, who most of our readers remember, was a disbursing clerk in the treasury department, up to the time of its being destroyed by fire, on the 3d of April, 1833, was sued by the government, for a deficit in his accounts of eleven thousand eight hundred and fifty-five dollars eighty-six cents. We cannot pretend to give even an outline of the evidence, arguments of counsel, decisions of the court or their instructions to the jury, in this very intricate and important case, which occupied four days. We notice the case principally for the purpose of stating, that in the course of the trial it was stated by the defendant's counsel for the United States, that, the foul and cruel suspicion under which the defendant rested for nearly three years of having been concerned in causing that dreadful conflagration, for the purpose of destroying the proofs of his delinquences, was totally unfounded, evidence having been lately discovered, which goes to implicate another person, who would in due time be tried for that heinous offence.

We are sure that the defendant's friends, who are highly respectable, as well as the friends of innocence generally, will rejoice at these public declarations made in favor of Mr. A. M. Laub in open court. The fact cannot be too generally made known as an act of justice to a man who has been cruelly injured in public opinion. The jury after retiring about an hour, returned into court, on last Thursday evening, with a *verdict for the defendant.* It is understood that the only difficulty in the case was occasioned by the loss of Mr. Laub's vouchers which were proved to have been destroyed in the burning of the treasury office. No doubt, however, was entertained that Mr. Laub had supplied all the proof on his part that could be required under such circumstances. [*Georgetown Metropolitan.*

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Important decision. The court of appeals on Friday granted a motion for a new trial, in the case of Charles Jarvis, *vs.* H. L. Pinckney and Wm. K. Knight. The action was brought by Plaintiff, as salvor in possession, to recover damages, in behalf of himself and all concerned, for the destruction, under the order of the city council of Charleston, of the cargo of the brig Amelia, wrecked on Folly Island, in Nov. 1831. The principal ground of defence was that the council had a right to destroy the cargo in question, to prevent the extension of Asiatic cholera to the city, that disease having broken out and raged to a fearful extent among the crew and passengers of the wrecked vessel. The jury below had rendered a verdict of $136 for the plaintiff as a compensation for his individual loss on the occasion. The court of appeals, however, decided, that the plaintiff is entitled to recover damages, in behalf of all concerned as well owners as salvors, for the destruction of the portion of the cargo saved from the wreck and landed on the beach of the Island, and accordingly ordered a new trial on the ground of inadequate damages. [*Charleston Cour.*

SPEECH OF JOHN QUINCY ADAMS,

On the joint resolution for distributing rations to the distressed fugitives from Indian hostilities in the states of Alabama and Georgia.

IN THE HOUSE OF REPRESENTATIVES, MAY 25, 1836.

The joint resolution from the senate authorising the president of the United States to cause rations to be distributed to suffering fugitives from Indian hostilities in Alabama and Georgia, being under debate—

Mr. *Adams* asked that the resolution should be read; it was accordingly read, and was as follows:

Resolved by the senate and house of representatives of the U. States of America in congress assembled, That the president of the United States be authorised to cause rations to be delivered from the public stores to the unfortunate sufferers, who are unable to provide for themselves, and who have been driven from their homes by Indian depredations, in Alabama and Georgia, until they can be re-established in their possessions, or so long as the president shall consider it necessary.

Mr. *Adams*, after observing that there was no appropriation annexed to the resolution, which, if there had been, the resolution must, by the constitution of the United States, have been made to assume the form of a *bill*, proceeded to address the chairman of the committee of the whole on the state of the union, in substance, as follows:

Mr. Chairman: There is no appropriation annexed to this resolution. We are called to vote upon it without knowing how deep it will dive into the public purse. We have no estimate from any executive department; no statement of the numbers of the distressed and unfortunate persons whom we are called upon to relieve, not with our own moneys, but with the moneys of our constituents. By an exception to the ordinary rules of the house, especially established to guard the public treasury against the danger of rash and inconsiderate expenditures, we are to drive this resolution through all its stages in a single day. And it is, I believe, the first example of a system of gratuitous donations to our own countrymen, infinitely more formidable by its consequences as a precedent, than from any thing appearing upon its face. I shall, nevertheless, vote for it. But answerable to my constituents, as I am in this as in all other cases for voting away their money, I seek for a *principle* which may justify me, to their judgment and my own, in this *lavish* disposal of the public funds.

It is but one, sir, of a class of legislative enactments now upon the pages of our statute book, introduced first, I believe during the present session of congress; but with which we are already becoming familiar, and which I greatly fear will, ere long, grow voluminous. I shall take the liberty to denominate them the *scalping knife and tomahawk laws.* They are all urged through by the terror of those instruments of death, under the most affecting and pathetic appeals from the constituents of the sufferers, to all the tender and benevolent sympathies of our nature. It is impossible for me to withhold from those appeals a responsive and yielding voice. I have voted for all those bills devoting million after million from the public chest, for the relief and defence of these the suffering fellow citizens of my constituents. I will vote for this resolution. I will vote again and again for drafts from the treasury for the same purpose, should they become necessary, till the treasury itself shall be drained; but, for so doing, I must seek for a principle which may be satisfactory, first, to my own mind, and secondly, to my constituents.

And here, sir, the gentlemen who call upon us for these bountiful contributions from the public treasure, are compelled to resort to that *common defence and general welfare* declared by the constitution of the U. States to be among the purposes for which the constitution itself was ordained by the people. I admit their claim. There are, indeed, two grounds upon which some of them think their claim sustainable. One of them produces precedent for this exercise of power, and yet disclaims the authority of the precedent itself. You have already, by a resolution in the same words with those of the resolution now before this committee, extended this same relief to the inhabitants of Florida. But Florida is one of your territories, and you are under obligations of protection more comprehensive to its inhabitants than those which bind you to the people of the states. These receive and are entitled to the protection of their state government, and you are bound to extend that species of protection to the inhabitants of the territories, besides the protection which the inhabitants of the several states are entitled to, as members of the great confederation. The precedent, therefore, of the resolution of relief to the inhabitants of Florida, does not cover the case. We are reminded, however, that some twenty years or more ago, the people of Caraccas were visited at once with a tremendous earthquake, with famine, and with the still more heavy misfortune of a civil war. The convulsions of nature by earthquakes, the ravages of famine, and the raging passions of man in the desolations of civil war, are as destructive to human life, and as calamitous to multitudes whom they do not absolutely destroy as the tomahawk and scalping knife. But whatever may have been the motives or the justifying authority of congress, more than twenty years ago, for appropriating any portion of the public moneys to the relief of the inhabitants of Caraccas, it could not establish the principle that congress have the constitutional power to appropriate money for the relief of all human suffering, whether by earthquake, famine, civil war, or Indian ferocity. And the gentleman from Alabama himself, who so ar

dently urges the adoption of this resolution, tells you that he should have voted against that measure of relief to the wretched sufferers in Caracccas. Mere commiseration, though one of the most amiable impulses of our nature, gives us no power to drain the treasury of the people for the relief of the suffering object. You *must*, therefore, seek another, an additional source of power, for authority to pass this resolution; and where will you, where can you, find it but in the *war power*, and its *limitation*, not its enlargement, in that very declaration of the transcendent purposes for which the people of the United States ordained their constitution—the *common defence and general welfare*. Step one hair's breadth out of the circle bounding the true intent and meaning of these words, and you have no more authority to pass this resolution, than you have, by an act of congress, to saddle the people of the United States with the insupportable burden of the whole system of the poor laws of England.

Sir, in the authority given to congress by the constitution of the United States to *declare war*, all the powers incidental to war are, by necessary implication, conferred upon the *government* of the United States. Now, the powers incidental to *war*, are derived, not from the internal municipal sources, but from the laws and usages of nations. In your relations with the Indian tribes, you never declare war, though you do make and break treaties with them, whenever either to make or to break treaties with them, happens to suit the purposes of the president and a majority of both houses of congress. For, in this matter, you have set aside the judiciary department of the government as effectually as if there were none such in the constitution.

There are, then, Mr. Chairman, in the authority of congress and of the executive two classes of powers, altogether different in their nature, and often incompatible with each other—the war power and the peace power. The peace power is limited by regulations, and restricted by provisions, prescribed within the constitution itself. The war power is limited only by the laws and usages of nations. The power is tremendous: it is strictly constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life. This, sir, is the power which authorises you to pass the resolution now before you, and, in my opinion, there is no other.

And this, sir, is the reason which I was not permitted to give this morning for voting with only eight associates against the first resolution reported by the committee on the abolition petitions; not one word of discussion had been permitted on either of those resolutions. When called to vote upon the first of them, I asked only five minutes of the time of the house to prove that it was utterly unfounded. It was not the pleasure of the house to grant me those five minutes. Sir, I must say that, in all the proceedings of the house upon that report, from the previous question, moved and inflexibly persisted in by a member of the committee itself which reported the resolutions, (Mr. *Owens*, of Georgia), to the refusal of the speaker, sustained by the majority of the house, to permit the other gentleman from Georgia, (Mr. *Glascock*), to record upon the journal his reasons for asking to be excused from voting on that same resolution, the freedom of debate has been stifled in this house to a degree far beyond any thing that ever has happened since the existence of the constitution of the United States; nor is it a consolatory reflection to me how intensely we have been made to feel, in the process of that operation, that the speaker of this house is a slaveholder. And, sir, as I was not then permitted to assign my reasons for voting against that resolution before I gave the vote, I rejoice that the reason for which I shall vote for the resolution now before the committee is identically the same with that for which I voted against that.

[Mr. *Adams* at this, and at many other passages of this speech, was interrupted by calls to order. The chairman of the committee, (Mr. *A. H. Shepperd*, of North Carolina), in every instance decided that he was not out of order, but at this passage intimated that he was approaching very close upon its borders; upon which Mr. *Adams* said, then I am to understand, sir, that I am yet within the bounds of order, but that I may transcend them hereafter.

Mr. Chairman, I claim the privilege of speech accorded to every other member of this house. I will not advert to the latitude in which that privilege has been, throughout this session, enjoyed in committee of the whole by every member of the house who has chosen to exercise it. I will appeal only to what happened no longer ago than the sitting of yesterday and of this morning, when, at the hour of one, the speaker adjourned the house, not in the usual form of ten o'clock to-morrow morning, but to ten o'clock of Wednesday morning, that is, of this day. Is it not within the recollection of every one who hears me, that two gentlemen, both distinguished members of the house, from the state of Maryland, from the hour of seven to that of ten, or little short of that time, last evening, entertained and instructed the committee of the whole house with a controversial disquisition upon the constitution of the state of Maryland, and upon the very important question whether the voice of the legislature of that state was or was not an exponent of the popular will? Is it not remembered that this disquisition was held in the form of a dialogue so animated, that the retort courteous, the quip modest, the counter-check quarrelsome, and almost the lie circumstantial, passed between those gentlemen, without interruption from the chairman, and without call to order, till at last an honorable member from Tennessee proposed that the difference between the two members should be settled by *arbitration*? And what was the question before the committee, sir, upon which this spirited and eloquent conference was held? Was it upon an appropriation of seven hundred thousand dollars for arming the fortifications of the United States? or upon an *amendment* to that proposal, by a reduction of the salaries of all your principal executive officers, and of the compensation of members of congress? Sir, it was upon one of these two propositions, so exceedingly relevant to each other, that the colloquy between the two gentlemen from Maryland, upon the constitution, legislature and people of that highly respectable state, was held, for hours, without interruption or call to order. And now, sir, am I to be disconcerted and silenced, or admonished by the chair that I am approaching to irrelevant matter, which may warrant him to arrest me in my argument, because I say that the reason for which I shall vote for the resolution now before the committee, levying a heavy contribution upon the property of my constituents, is identically the same with the reason for which I voted against the resolution reported by the slavery committee, that congress has no authority to interfere *in any way*, with slavery in any of the states of this union? Sir, I was not allowed to give my reasons for that vote, and a majority of my constituents, perhaps proportionably as large as that of this house, in favor of that resolution, may, and probably will, disapprove of my vote against it, unless my reasons for so voting should be explained to them. I asked but five minutes of the house to give those reasons, and was refused. I shall, therefore, take the liberty to give them now, as they are strictly applicable to the measure now before the committee, and are my only justification for voting in favor of this resolution.]

I return, then, to my first position, that there are two classes of powers vested by the constitution of the United States in their congress and executive government: the powers to be exercised in time of peace, and the powers incidental to *war*.—That the powers of peace are limited by provisions within the body of the constitution itself; but that the powers of war are limited and regulated only by the laws and usages of nations. There are, indeed, powers of peace conferred upon congress which also come within the scope and jurisdiction of the laws of nations, such as the negotiation of treaties of amity and commerce, the interchange of public ministers and consuls, and all the personal and social intercourse between the individual inhabitants of the United States and foreign nations, and the Indian tribes, which require the interposition of any law. But the powers of war are *all* regulated by the laws of nations, and are subject to no other limitation. It is by this power that I am justified in voting the money of my constituents for the immediate relief of their fellow citizens suffering with extreme necessity even for subsistence, by the direct consequence of an Indian war. Upon the same principle, your consuls in foreign ports are authorised to provide for the subsistence of seamen in distress, and even for their passage to their own country.

And it was upon that same principle that I voted *against* the resolution reported by the slavery committee, "that congress possess no constitutional authority to interfere, *in any way*, with the institution of slavery in any of the states of this confederacy," to which resolution most of those with whom I usually concur, and even my own colleagues in this house, gave their assent. I do not admit that there is, even among the peace powers of congress, no such authority; but in *war* there are many ways by which congress not only have the authority, but are bound to interfere with the institution of slavery in the states. The existing law prohibiting the importation of slaves into the United States from foreign countries, is itself an interference with the institution of slavery in the states. It was so considered by the founders of the constitution of the U. States, in which it was stipulated that congress should not interfere, *in that way*, with the institution, prior to the year 1808.

During the late war with Great Britain, the military and naval commanders of that nation issued proclamations inviting the slaves to repair to their standards, with promises of freedom and of settlement in some of the British colonial establishments. This, surely, was an interference with the institution of slavery in the states. By the treaty of peace, Great Britain stipulated to evacuate all the forts and places in the U. States, without carrying away any slaves. If the government of the United States had no authority to interfere, *in any way*, with the institution of slavery in the states, they would not have had the authority to require this stipulation. It is well known that this engagement was not fulfilled by the British naval and military commanders; that, on the contrary, they did carry away all the slaves whom they had induced to join them, and that the British government inflexibly refused to restore any of them to their masters; that a claim of indemnity was consequently instituted in behalf of the owners of the slaves, and was successfully maintained. All that series of transactions was an interference by congress with the institution of slavery in the states in one way—in the way of protection and support. It was by the institution of slavery alone that the restitution of slaves enticed by proclamations into the British service could be claimed as *property*. But for the institution of slavery, the the British commanders could neither have allured them to their standard, nor restored them otherwise than as liberated prisoners of war. But for the institution of slavery, there could have been no stipulation that they should not be carried away as property, nor any claim of indemnity for the violation of that engagement.

But the war power of congress over the institution of slavery in the states is yet far more extensive. Suppose the case of a servile war, complicated, as to some extent it is even now with an Indian war; suppose congress were called to raise armies, to supply money from the whole union to suppress a servile insurrection: would they have no authority to interfere with the institution of slavery? The issue of a servile war *may* be disastrous. By war the slave may emancipate himself: it may become necessary for the master to recognize his emancipation by a treaty of peace; can it for an instant be pretended that congress, in such a contingency, would have no authority to interfere with the institution of slavery, *in any way*, in the states? Why, it would be equivalent to saying that congress have no constitutional authority to make peace.

I suppose a more portentous case, certainly within the bounds of possibility—I would to God I could say not within the bounds of probability. You have been, if you are not now, at the very point of a war with Mexico—a war, I am sorry to say, so far as public rumor may be credited, stimulated by provocations on our part from the very commencement of this administration down to the recent authority given to general Gaines to invade the Mexican territory. It is said that one of the earliest acts of this administration was a proposal, made at a time when there was already much ill-humor in Mexico against the United States, that she should cede to the United States a very large portion of her territory—large enough to constitute nine states equal in extent to Kentucky. It must be confessed that a device better calculated to produce jealousy, suspicion, ill-will and hatred, could not have been contrived. It is further affirmed that this overture, offensive in itself, was made precisely at the time when a swarm of colonists from these United States were covering the Mexican border with land-jobbing, and with slaves, introduced in defiance of the Mexican laws, by which slavery had been abolished throughout that republic. The war now raging in Texas is a Mexican civil war, and a war for the re-establishment of slavery where it was abolished. It is not a servile war, but a war between slavery and emancipation, and every possible effort has been made to drive us into the war, on the side of slavery.

It is, indeed, a circumstance eminently fortunate for us that this monster, Santa Ana, has been defeated and taken, though I cannot participate in that exquisite joy with which we have been told that every one having Anglo-Saxon blood in his veins must have been delighted on hearing that this ruffian has been shot, in cold blood, when a prisoner of war, by the Anglo-Saxon leader of the victorious Texian army. Sir, I hope there is no member of this house, of other than Anglo-Saxon origin, who will deem it uncourteous that I, being myself in part Anglo-Saxon, must, of course, hold that for the best blood that ever circulated in human veins. Oh! yes, sir! far be it from me to depreciate the glories of the Anglo-Saxon race; although there have been times when they bowed their necks and submitted to the law of conquest, beneath the ascendency of the Norman race. But, sir, it has struck me as no inconsiderable evidence of the spirit which is spurring us into this war of aggression, of conquest and of slave-making, that all the fires of ancient, hereditary national hatred are to be kindled, to familiarize us with the ferocious spirit of rejoicing at the massacre of prisoners in cold blood. Sir, is there not yet hatred enough between the races which compose your southern population and the population of Mexico, their next neighbor, but you must go back eight hundred or a thousand years, and to another hemisphere, for the fountains of bitterness between you and them? What is the temper of feeling between the component parts of your own southern population, between your Anglo-Saxon, Norman French and Moorish Spanish inhabitants of Louisiana, Mississippi, Arkansas and Missouri? between them all and the Indian savage, the original possessor of the land from which you are scourging him already back to the foot of the Rocky Mountains? What between them all and the native American negro, of African origin, whom they are holding in cruel bondage? Are these elements of harmony, concord and patriotism between the component parts of a nation starting upon a crusade of conquest? And what are the feelings of all this motley compound of your southern population towards the compound equally heterogeneous of the Mexican population? Do not you, an Anglo-Saxon, slaveholding exterminator of Indians, from the bottom of your soul, hate the Mexican-Spaniard-Indian, emancipator of slaves and abolisher of slavery? And do you think that your hatred is not with equal cordiality returned? Go to the city of Mexico, ask any of your fellow-citizens who have been there for the last three or four years, whether they scarcely dare show their faces, as Anglo-Americans, in the streets. Be assured, sir, that, however heartily you detest the Mexican, his bosom burns with an equally deep-seated detestation of you.

And this is the nation with which, at the instigation of your executive government, you are now rushing into war—into a war of conquest; commenced by aggression on your part, and for the re-establishment of slavery, where it has been abolished throughout the Mexican republic. For your war will be with Mexico—with a republic of twenty-four states, and a population of eight or nine millions of souls. It seems to be considered that this victory over twelve hundred men, with the capture of their commander, the president of the Mexican republic, has already achieved the conquest of the whole republic. That it may have achieved the independence of Texas, is not impossible. But Texas is to the Mexican republic not more nor so much as the state of Michigan is to yours. That state of Michigan, the people of which are in vain claiming of you the performance of that sacred promise you made them, of admitting her as a state into the union; that state of Michigan, which has greater grievances and heavier wrongs to allege against you for a declaration of her independence, if she were disposed to declare it, than the people of Texas have for breaking off their union with the republic of Mexico. Texas is an extreme boundary portion of the republic of Mexico; a wilderness inhabited only by Indians until after the revolution which separated Mexico from Spain; not sufficiently populous at the organization of the Mexican confederacy to form a state by itself, and therefore united with Coahuila, where the greatest part of the indigenous part of the population reside. Sir, the history of all the emancipated Spanish American colonies has been, ever since their separation from Spain, a history of convulsionary wars; or revolutions, accomplished by single, and often very insignificant battles; of chieftains, whose title to power has been the murder of their immediate predecessors. They have all partaken of the character of the first conquest of Mexico by Cortez, and of Peru by Pizarro; and this, sir, makes me shudder at the thought of connecting our destinies indissolubly with theirs. It may be that a new revolution in Mexico will follow upon this captivity or death of their president and commanding general; we have rumors, indeed, that such a revolution had happened even before his defeat; but I cannot yet see my way clear to the conclusion that either the independence of Texas, or the capture and military execution of Santa Ana, will save you from war with Mexico. Santa Ana was but one of a breed of which Spanish America for the last twenty-five years has been a teeming mother—soldiers of fortune, who, by the sword or the musket ball, have risen to supreme power, and by the sword or the musket ball have fallen from it. That breed is not extinct; the very last intelligence from Peru tells of one who has fallen there as Yturbide, and Mina, and Guerrero, and Santa Ana have fallen in Mexico. The same soil which produced them is yet fertile to produce others. They reproduce themselves, with nothing but a change of the name and of the man. Your war, sir, is to be a war of races—the Anglo-Saxon American pitted against the Moorish-Spanish-Mexican American; a war between the northern and southern halves of North America; from Passamaquoddy to Panama. Are you prepared for such a war?

And again I ask what will be your *cause* in such a war! Aggression, conquest and the re-establishment of slavery where it has been abolished. In that war, sir, the banners of *freedom* will be the banners of Mexico; and your banners, I blush to speak the word, will be the banners of slavery.

Sir, in considering these United States and the United Mexican States as mere masses of power coming to collision against each other, I cannot doubt that Mexico will be the greatest sufferer by the shock. The conquest of all Mexico would seem to be no improbable result of the conflict, especially if the war should extend no farther than to the two mighty combatants. But will it be so confined? Mexico is clearly the weakest of the two powers; but she is not the least prepared for action. She has the more recent experience of war. She has the greatest number of veteran warriors; and although her highest chief has just suffered a fatal and ignominious defeat, yet that has happened often before to leaders of armies too confident of success and contemptuous of their enemy. Even now, Mexico is better prepared for a war of invasion upon you, than you are for a war of invasion upon her. There may be found a successor to Santa Ana, inflamed with the desire, not only of avenging his disaster, but what he and his nation will consider your perfidious hostility. The national spirit may go with him. He may not only turn the tables upon the Texian conquerors, but drive them for refuge within your borders, and pursue them into the heart of your own territories. Are you in a condition to resist him? Is the success of your whole army, and all your veteran generals, and all your militia-calls, and all your mutinous volunteers against a miserable band of five or six hundred invisible Seminole Indians, in your late campaign, an earnest of the energy and vigor with which you are ready to carry on that far otherwise formidable and complicated war?—complicated, did I say? And how complicated? Your Seminole war is already spreading to the Creeks, and, in their march of desolation, they sweep along with them your negro slaves, and put arms into their hands to make common cause with them against you; and how far will it spread, sir, should a Mexican invader, with the torch of liberty in his hand, and the standard of freedom floating over his head, proclaiming emancipation to the slave and revenge to the native Indian, as he goes, invade your soil? What will be the condition of your states of Louisiana, of Mississippi, of Alabama, of Arkansas, of Missouri, and of Georgia? Where will be your negroes? Where will be that combined and concentrated mass of Indian tribes, whom, by an inconceivable policy, you have expelled from their widely distant habitations, to embody them within a small compass on the very borders of Mexico, as if on purpose to give that country a nation of natural allies in their hostilities against you? Sir, you have a Mexican, an Indian and a negro war upon your hands, and you are plunging yourself into it blindfold; you are talking about acknowledging the independence of the republic of Texas, and you are thirsting to annex Texas, aye, and Coahuila, and Tamaulipas, and Santa Fe, from the source to the mouth of the Rio Bravo, to your already over-distended dominions. Five

hundred thousand square miles of the territory of Mexico would not even now quench your burning thirst for aggrandizement.

But will your foreign war for this be with Mexico alone? No, sir. As the weaker party, Mexico, when the contest shall have once begun, will look abroad, as well as among your negroes and your Indians, for assistance. Neither Great Britain nor France will suffer you to make such a conquest from Mexico; no, nor even to annex the independent state of Texas to your confederation, without their interposition. You will have an Anglo-Saxon intertwined with a Mexican war to wage. Great Britain may have no serious objection to the independence of Texas, and may be willing enough to take her under her protection, as a barrier both against Mexico and against you, But, as aggrandizement to you, she will not readily suffer it; and, above all, she will not suffer you to acquire it by conquest and the re-establishment of slavery. Urged on by the irresistible, overwhelming torrent of public opinion, Great Britain has recently, at a cost of one hundred millions of dollars, which her people has joyfully paid, abolished slavery throughout all her colonies in the West Indies. After setting such an example, she will not—it is impossible that she should—stand by and witness a war for the re-establishment of slavery, where it had been for years abolished, and situated thus in the immediate neighborhood of her islands. She will tell you, that if you must have Texas as a member of your confederacy, it must be without the taint or the trammels of slavery; and if you will wage a war to handcuff and fetter your fellow-man, she will wage the war against you to break his chains. Sir, what a figure, in the eyes of mankind, would you make, in deadly conflict with Great Britain: she fighting the battles of emancipation, and you the battles of slavery; she the benefactress, and you the oppressor of human kind! In such a war, the enthusiasm of emancipation, too, would unite vast numbers of her people in aid of the national rivalry, and her natural jealousy against our aggrandizement. No war was ever so popular in England as that war would be against slavery, the slave-trade and the Anglo-Saxon descendant from her own loins.

As to the annexation of Texas to your confederation, for what do want it? Are you not large and unwieldy enough already? Do not two millions of square miles cover surface enough for the insatiate rapacity of your land jobbers? I hope there is none of them within the sound of my voice. Have you not Indians enough to expel from the land of their fathers' sepulchres, and to exterminate? What, in a prudential and military point of view, would be the addition of Texas to your domain? It would be weakness, and not power. Is your southern and south western frontier not sufficiently extensive? not sufficiently feeble? not sufficiently defenceless? Why are you adding regiment after regiment of dragoons to your standing army? Why are you struggling, by direction and indirection, to raise *per saltum* that army from less than six to more than twenty thousand men? Your commanding general, now returning from his excursion to Florida, openly recommends the increase of your army to that number. Sir, the extension of your sea coast frontier from the Sabine to the Rio Bravo would add to your weakness tenfold; for it is now only weakness with reference to Mexico. It would then be weakness with reference to Great Britain, to France, even perhaps to Russia, to every naval European power, which might make a quarrel with us for the sake of settling a colony; but above all, to Great Britain. She, by her naval power, and by her American colonies, holds the keys of the Gulf of Mexico. What would be the condition of your frontier from the mouth of the Mississippi to that of the Rio del Norte, in the event of a war with Great Britain? Sir, the reasons of Mr. Monroe for accepting the Sabine as the boundary were three. First, he had no confidence in the strength of our claim as far as the Rio Bravo; secondly, he thought it would make our union so heavy that it would break into fragments by its own weight; thirdly, he thought it would protrude a long line of sea coast, which, in our first war with Great Britain, she might take into her own possession, and which we should be able neither to defend nor to recover. At that time there was no question of slavery or of abolition involved in the controversy. The country belonged to Spain; it was a wilderness, and slavery was the established law of the land. There was then no project for carving out nine slave states, to hold eighteen seats in the other wing of this capitol, in the triangle between the mouths and the sources of the Mississippi and Bravo rivers. But what was our claim? Why it was that La Salle, having discovered the mouth of the Mississippi, and France having made a settlement at New Orleans, France had a right to one-half the sea coast from the mouth of the Mississippi to the next Spanish settlement, which was Vera Cruz. The mouth of the Rio Bravo was about half way from the Balize to Vera Cruz; and so as grantees, from France of Louisiana, we claimed to the Rio del Norte, though the Spanish settlement of the Santa Fe was at the head of that river. France from whom we had received Louisiana, utterly disclaimed ever having even raised such a pretension. Still we made the best of the claim that we could, and finally yielded it for the Floridas, and for the line of the 42d degree of latitude from the source of the Arkansas river to the South sea. Such was our claim; and you may judge how much confidence Mr. Monroe could have in its validity. The great object and desire of the country then was to obtain the Floridas. It was gen. Jackson's desire; and in that conference with me to which I have heretofore alluded, and which it is said he does not recollect, he said to me that so long as the Florida rivers were not in our possession, there could be no safety for our whole southern country.

But, sir, suppose you should annex Texas to these United States; another year would not pass before you would have to engage in a war for the conquest of the island of Cuba. What is now the condition of that island? Still under the nominal protection of Spain. And what is the condition of Spain herself? Consuming her own vitals in a civil war for the succession to the crown. Do you expect, that whatever may be the issue of that war, she can retain even the nominal possession of Cuba? After having lost *all* her continental colonies in North and South America, Cuba will stand in need of more efficient protection; and above all, the protection of a naval power. Suppose that naval power should be Great Britain. There is Cuba at your very door; and if you spread yourself along a naked coast, from the Sabine to the Rio Bravo, what will be your relative position towards Great Britain, with not only Jamaica, but Cuba, and Porto Rico in her hands, and abolition for the motto to her union cross of St. George and Saint Andrew? Mr. Chairman, do you think I am treading on fantastic grounds? Let me tell you a piece of history, not far remote. Sir, many years have not passed away since an internal revolution in Spain subjected that country and her king for a short time to the momentary government of the cortes. That revolution was followed by another, by which, under the auspices of a French army with the duke d'Angouleme at their head, Ferdinand the seventh was restored to a despotic throne; Cuba had followed the fortunes of the cortes when they were crowned with victory; and when the counter revolution came, the inhabitants of the island, uncertain what was to be their destination, were for some time in great perplexity what to do for themselves. Two considerable parties arose in the island, one of which was for placing it under the protection of Great Britain, and another was for annexing it to the confederation of these United States. By one of these parties I have reason to believe that overtures were made to the government of Great Britain. By the other *I know* that overtures were made to the government of the United States. And I further know that secret, though irresponsible assurances were communicated to the then president of the United States, as coming from the French government, that *they* were secretly informed that the British government had determined to take possession of Cuba. Whether similar overtures were made to France herself, I do not undertake to say; but that Mr. George Canning, then the British secretary of state for foreign affairs, was under no inconsiderable alarm, lest under the pupilage of the duke d'Angouleme, Ferdinand the seventh might commit to the commander of a French naval squadron the custody of the Moro Castle, is a circumstance also well known to me. It happened that just about that time a French squadron of considerable force was fitted out and received sailing orders for the West Indies, without formal communication of the fact to the British government; and that as soon as it was made known to him, he gave orders to the British ambassador at Paris to demand, in the most preremptory tone, what was the destination of that squadron, and a special and positive disclaimer that it was intended even to visit the Havana; and this was made the occasion of mutual explanations, by which Great Britain, France and the United States, not by the formal solemnity of a treaty, but by the implied engagement of mutual assurances of intention, gave pledges of honor to each other, that neither of them should in the then condition of the island take it, or the Moro Castle, as its citadel, from the possession of Spain. This engagement was on all sides faithfully performed; but, without it, who doubts that from that day to this either of the three powers might have taken the island and held it in undisputed possession?

At this time circumstances have changed—popular revolutions both in France and Great Britain have perhaps curbed the spirit of conquest in Great Britain, and France may have enough to do to govern her kingdom of Algiers. But Spain is again convulsed with a civil war for the succession to her crown; she has irretrievably lost all her colonies on both continents of America. It is impossible that she should hold much longer a shadow of dominion over the islands of Cuba and Porto Rico; nor can those islands, in their present condition, form independent nations, capable of protecting themselves. They must for ages remain at the mercy of Great Britain or of these United States, or of both; Great Britain is even now about to interfere in this war for the Spanish succession. If by the utter imbecility of the Mexican confederacy this revolt of Texas should lead immediately to its separation from that republic, and its annexation to the U. States, I believe it impossible that Great Britain should look on while this operation is performing with indifference. She will see that it must shake her own whole colonial power on this continent, in the Gulf of Mexico and in the Caribbean seas, like an earthquake; she will see, too, that it endangers her own abolition of slavery in her own colonies. A war for the restoration of slavery where it has been abolished, if successful in Texas, must extend over all Mexico; and the example will threaten her with imminent danger of a war of colors in her own islands. She will take possession of Cuba and of Porto Rico, by cession from Spain or by the batteries from her wooden walls; and if you ask her by what authority she has done it; she will ask you, in return, by what authority you have extended your sea coast from the Sabine to the Rio Bravo. She will ask you a question more perplexing, namely—by what authority you, with freedom, in-

dependence and democracy upon your lips, are waging a war of extermination to forge new manacles and fetters, instead of those which are falling from the hands and feet of man. She will carry emancipation and abolition with her in every fold of her flag; while your stars, as they increase in numbers, will be overcast with the murky vapors of oppression, and the only portion of your banners visible to the eye will be the blood-stained stripes of the task master.

Mr. Chairman, are you ready for all these wars? A Mexican war? a war with Great Britain, if not with France? a general Indian war? a servile war? and, as an inevitable consequence of them all, a civil war? For it must ultimately terminate in a war of colors as well as of races. And do you imagine that while with your eyes open you are willfully kindling, and then closing your eyes and blindly rushing into them; do you imagine that while, in the very nature of things, your own southern and south western states must be the Flanders of these complicated wars, the battle field upon which the last great conflict must be fought between slavery and emancipation; do you imagine that your congress will have no constitutional authority to interfere with the institution of slavery *in any way* in the states of this confederacy? Sir, they must and will interfere with it—perhaps to sustain it by war; perhaps to abolish it by treaties of peace: and they will not only possess the constitutional power so to interfere, but they will be bound in duty to do it by the express provisions of the constitution itself. From the instant that your slaveholding states become the theatre of war, civil, servile or foreign, from that instant the war powers of congress extend to interference with the institution of slavery in every way by which it can be interfered with, from a claim of indemnity for slaves taken or destroyed, to the cession of the state burdened with slavery to a foreign power.

Sir, it is by virtue of this same war power, as now brought into exercise by this Indian war in Florida, Alabama and Georgia, that I vote for the resolution before the committee. By virtue of this, I have already voted in the course of this session to increase your standing army by a second regiment of dragoons, to authorise your president to accept the services of ten thousand volunteers, and to appropriate millions of the public money to suppress these Indian hostilities—all for the common defence, all for the general welfare. And if, on this occasion, I have been compelled to avail myself of the opportunity to assign my reasons for voting against the first resolution reported by the slavery committee, it is because it was the pleasure of the majority of the house this morning to refuse me the permission to assign my reasons for my vote, when the question was put upon those resolutions themselves.

Sir, it is a melancholy contemplation to me, and raises fearful forebodings in my mind when I consider the manner in which that report and those resolutions have been disposed of by the house. I have twice asked permission of this house to offer two resolutions calling for information from the president upon subjects of infinite importance to this question of slavery, to our relations with Mexico, and to the peace of the country. When I last made the attempt, a majority of the house voted by yeas and nays to suspend the rules to enable me to offer *one* of the two resolutions—but the majority not amounting to two-thirds, my resolution has not yet obtained from the house the favor of being considered. Had it been the pleasure of the house to indulge the call, or to allow me the privilege of assigning my reasons for my vote on the resolution this morning, the remarks that I have now made might have been deemed more appropriate to those topics of discussion, than to the question more immediately now before the committee. They are reflections, however, which I deem it not less indispensable to make than they are painful to be made—extorted from me by a condition of public affairs unexampled in the history of this country. Heretofore, calls upon the executive department for information, such as that which I have proposed to make, were considered as among the rights of the members of this house, which it was scarcely deemed decent to resist. A previous question, smothering all discussion upon resolutions reported by a committee, affecting the vital principles of the constitution, moved by one of the members who reported the resolutions, and sustained by the members of that committee itself, is an occurrence which never before happened in the annals of this government. The adoption of those resolutions of the house had not even been moved. Upon the mere question whether an extra number of the report of the committee should be printed, a member moves the recommitment of the report, with instructions to report a new resolution. On this motion the previous question is moved, and the speaker declares that the main question is not on the motion to recommit, not on the motion to print an extra number of copies of the report, but upon the adoption of three resolutions, reported, but never even moved in the house. If this is to be the sample of our future legislation, it is time to awake from the delusion that freedom of speech is among the rights of the members of the minority of this house.

To return, Mr. Chairman, to the resolution before the committee. I shall vote for this application of moneys, levied by taxation upon my constituents, to feed the suffering and starving fugitives from Indian desperation and revenge. How deeply searching in the coffers of your treasury this operation will ultimately be, no man can at this time foretell. The expenditure authorised by this resolution may be not in itself very considerable; but in its progress it has already stretched from Alabama to Georgia—how much further it may extend, will be seen hereafter. I turn my eyes away from the prospect of it now; but am prepared to meet the emergency, if it should come, with all the resources of the treasury.

But, sir, I shall not vote for this relief to the suffering inhabitants of Alabama and of Georgia, upon the ground on which the gentleman from Alabama, (Mr. *Lewis*) and the gentleman from South Carolina, (Mr. *Thompson*) have been disposed to place it. Little reason have the inhabitants of Georgia and of Alabama to complain that the government of the United States has been remiss or neglectful in protecting them from Indian hostilities: the fact is directly the reverse. The people of Alabama and Georgia are now suffering the recoil of their own unlawful weapons. Georgia, sir, Georgia, by trampling upon the faith of our national treaties with the Indian tribes and by subjecting them to her state laws, first set the example of that policy which is now in the process of consummation by this Indian war. In setting this example, she bade defiance to the authority of the government of the nation; she nullified your laws: she set at naught your executive and judicial guardians of the common constitution of the land. To what extent she carried this policy, the dungeons of her prisons and the records of the supreme judicial court of the United States can tell. To those prisons she committed inoffensive, innocent, pious ministers of the gospel of truth, for carrying the light, the comforts, and the consolations of that gospel to the hearts and minds of these unhappy Indians. A solemn decision of the supreme court of the United States pronounced that act a violation of your treaties and of your laws. Georgia defied that decision: your executive government never carried it into execution: the imprisoned missionaries of the gospel were compelled to purchase their ransom from perpetual captivity by sacrificing their rights as freemen to the meekness of their principles as Christians; and you have sanctioned all these outrages upon justice, law and humanity, by succumbing to the power and the policy of Georgia, by accomodating your legislation to her arbitrary will; by tearing to tatters your old treaties with the Indians, and by constraining them, under *peine forte et dure*, to the mockery of signing other treaties with you, which, at the first moment when it shall suit your purpose, you will again tear to tatters and scatter to the four winds of heaven, till the Indian race shall be extinct upon this continent, and it shall become a problem beyond the solution of antiquaries and historical societies *what* the red man of the forest was.

This, sir, is the remote and primitive cause of the present Indian war: your own injustice, sanctioning and sustaining that of Georgia and Alabama. This system of policy was first introduced by the present administration of your national government. It is directly the reverse of that system which had been pursued by all the preceding administrations of this government under the present constitution. That system consisted in the most anxious and persevering efforts to civilize the Indians; to attach them to the soil upon which they lived; to enlighten their minds; to soften and humanize their hearts; to fix in permanency their habitations; and to turn them from the wandering and precarious pursuits of the hunter, to the tillage of the ground; to the cultivation of corn and cotton; to the comforts of the fire-side; to the delights of *home*. This was the system of Washington and of Jefferson, steadily pursued by all their successors, and to which all your treaties and all your laws of intercourse with the Indian tribes were accommodated. The whole system is now broken up; and instead of it you have adopted that of expelling by force or by compact, all the Indian tribes from their own territories and dwellings, to a region beyond the Mississippi, beyond the Missouri, beyond the Arkansas, bordering upon Mexico; and *there* you have deluded them with the hope that they will find a permanent abode—a final resting-place from your never-ending rapacity and persecution. *There* you have undertaken to lead the willing and to drive the reluctant, by fraud or by force; by treaty, or by the sword and the rifle; all the remnants of the Seminoles, of the Creeks, of the Cherokees, of the Choctaws, and of how many other tribes I cannot now stop to enumerate. in the process of this violent and heartless operation, you have met with all the resistance which men in so helpless a condition as that of the Indian tribes could make. Of the *immediate* causes of the war we are not yet fully informed; but I fear you will find them, like the remoter causes, all attributable to yourselves. It is in the last agonies of a people, forcibly torn and driven from the soil which they had inherited from their fathers, and which your own example, and exhortations, and instructions, and treaties, had rivited more closely to their hearts; it is in the last convulsive struggles of their despair, that this war has originated; and if it brings with it some portion of the retributive justice of heaven upon our own people, it is our melancholy duty to mitigate, as far as the public resources of the national treasury will permit, the distresses of the innocent of our own kindred and blood, suffering under the necessary consequences of our own wrong. I shall vote for the resolution.

[*Note*—This speech was delivered without premeditation or notes. No report of it was made by any of the usual reporters for the newspapers. Mr. *Adams* has written it out, himself from recollection, at the request of several of his friends, for publication. It is, of course, not in the precise language used by him in the house. There is some amplification of the arguments which he used, and, perhaps, some omissions which have escaped his recollection. The substance of the speech is the same.]

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THE PAST—THE PRESENT—FOR THE FUTURE.

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U. S. SENATOR. On Friday the 17th inst. *Richard H. Bayard*, esq. was elected a senator of the U. States from Delaware, in place of the hon. Arnold Naudain, resigned. For Bayard 17, for James Booth 6; scattering 4.

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In the senate on Friday the 17th inst. the bill to regulate the deposites of the public money, which had been ordered to be engrossed on the previous day, was passed by a vote of 38 yeas to 6 nays. On Monday last it was taken up in the house of representatives, and, after an ineffectual attempt to commit it to a committee of the whole with instructions to separate it into two bills, one to regulate the deposites, the other to provide for the distribution of the surplus revenue among the states, made the order of the day for the following day and every day thereafter, until disposed of. On Tuesday it was taken up and debated from 12 o'clock M. (excepting during the daily recess), to nearly nine, P. M. and, the 13th section having been stricken out, on motion of Mr. Anthony, and another substituted making the states mere depositaries of the surplus revenue, was ordered to a third reading by a vote of 163 to 43, and read a third time and passed by a vote of 155 to 38. It was then returned to the senate—which promptly concurred in the amendment. The yeas and nays, and all important particulars, are given in subsequent pages. On Thursday last the bill was signed by the president, the amendment of Mr. *Anthony* having, as will be seen by the official statement of the Globe, published below, removed the constitutional objections which he entertained in relation to it as it passed the senate.

Thus is settled one of the most important questions which has for a long time agitated the public mind, and in a manner, we hope, that will forever allay those heart burnings and jealousies which have produced so much dissension among the states, and caused some of them to view the government as an unkind step-mother who distributes her favors with a partial hand. But the manner and the effect are not more commendable than was the necessity apparent, of making some disposition of the vast amount of money, (nearly forty millions) which is in charge of the deposite banks; for with all the vigilance the treasury department has used or could exert, it is not fair to suppose, from the nature of things, that that vast sum can be kept by so many agents, admitting they are honestly disposed to do their duty to the government, without considerable loss to the people. And, indeed, we will be agreeably disappointed if the "*experiment*," when tested in January next by a settlement of balances in the deposite banks, preparatory to a division of the surplus revenue, will not cause a "panic" founded upon real causes: for a great portion of the payments into the treasury must come from the borrowers from the deposite banks, which must have exercised great foresight if able to refund the deposites without pressing their creditors. The pressure may only be temporary, but will necessarily produce great derangement in the money market, and be destructive to many worthy individuals.

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The Washington "*Globe*" of yesterday contains the following article, which it says it is warranted in saying embraces the views of the president on this interesting subject; and may therefore be regarded as an official exposition in advance of the detailed statement which it is intimated the president may hereafter lay before the people.

From the Washington Globe of yesterday.

The deposite bill has been approved by the president. The most important feature in this act is that which makes the several states the depositories of all the public moneys which may be in the treasury on the first of January next, over the sum of five millions of dollars, on their passing laws, pledging the faith of the states respectively to pay the warrants of the treasury in the manner prescribed. By an amendment introduced by an overwhelming majority of the house of representatives, all the features of the bill which went to make the proposed transfer of the money to the states a loan or gift, were struck out, and as the act now stands, they are to be mere depositories, like the banks in which the public moneys are now kept.

We hazard nothing in saying, that had the bill passed as it went from the senate, as anxious as the president was to see the public deposites regulated by law, and as painful as it would have been to separate on any subject from many of his most valued friends, it would have received his decisive veto. We have been surprised that any one who has read his annual message of 1829, and his veto messages on the Maysville road bill, and Mr. Clay's land bill, would for a moment anticipate any other result.

We are equally warranted in saying that the president has approved the amended bill, not because he thinks it judicious to make the states the depositories of the moneys of the United States, but because the plan is not obnoxious to constitutional objections; because it has been presented by a majority of the people's representatives, to whom the question of expediency on this subject peculiarly belongs; and because, by settling the question in relation to the public deposites, it disarms faction, and renders it more difficult for the money power to reorganize itself under the charter of a new national bank.

He thinks it impolitic and unsafe to mix up the affairs of the United States with those of the several states, and that the chances of perpetuity for our admirable system of government are increased in proportion to the clearness with which the lines which separate their several powers, duties and interests, are defined and maintained. It is probable he will take some fitting occasion to make known to his countrymen, in detail, the views he entertains on this vital subject. It is only necessary now that they should know, that in approving the deposite bill he does not intend to countenance, in the least degree, the idea of raising money by the general government for distribution among the states, thus lessening the responsibility of the state governments in taxing the people, and at the same time encouraging extravagant expenditures; making the states, instead of independent sovereignties, the mere stipendiaries of the general government; perverting the power of taxation given in the constitution to purposes never thought of by its framers; corrupting the sources of legislation; tending to consolidation; and ultimately destroying all that is pure and valuable in the structure and administration of our political system.

The president believes that it is bad policy, as well as unconstitutional, to raise money from the people for the purpose of distributing it among the states. He believes that when the revenues of the general government shall produce more than enough to supply its legitimate wants, it is the duty of congress forthwith to reduce the taxes upon the people. To collect for the purposes of distribution, is neither politic or economical. It is not politic, because it necessarily increases the corps of public officers, and consequently the influence of the government. It is not economical, because the people have to pay the salaries of those who manage the process and guaranty their integrity. Is it not better that the farmer's dollar should be left in his own pocket, than that it should be taken out by taxes, direct or indirect, and, after a year's detention, be handed back to him or to his state legislature, with a deduction of twenty cents to pay collectors and clerks who have been employed to take it away and bring it back? The same principles apply to all classes of society and to society itself, with the exception of those only who profit by high taxes.

INDIAN NEWS. We have a vast mass of articles before us in relation to the progress of the Indian war—but the accounts are so vague and contradictory that it is almost impossible to arrive at the truth. The only event in Florida, we see stated, that can be relied on, is an account of an attack by the troops under major Heilman, upon a body of 150 Indians near Micanopy, in which the latter were defeated with the loss of several warriors. Maj. H. had four men wounded but none killed.

Gen. Clinch, recently appointed to the command of all the forces, was expected daily at St. Augustine. A company of mounted volunteers had arrived, under the command of captain Curry, and had been mustered into the service for six months. The Indians had captured a considerable number of cattle.

It was reported at Augusta on the 17th, that, on the 14th, a body of two thousand Indians had crossed the Chattahoochie, near Roanoke, on their way to Florida, and had killed some white men in Stewart county.

The Mobile Chronicle, of the 8th, states that the 21 Indians, taken prisoners of war and lodged in jail at Montgomery, had made their escape. The jail is described as a miserable old building without any guard.

Several of the Georgia papers speak very incredulously of the reported Indian massacres, and intimate pretty broadly that the war is carried on rather against than by them. There was quite a distressing account, setting forth how the Gwinnett troop had been attacked by a large body of the savages, and all killed except three—but it was afterward said, with more appearance of truth, that only three had been killed. A well-written letter, dated at Dahlonega, Lumpkin county, June 11, says that the Cherokees are indeed restless, but not more so than they have been for years, and scouts the idea of their proceeding to hostilities. The deputation from that nation, now at Washington, has also denied the existence of a hostile feeling to the whites among the Cherokees.

Gen. Scott was indisposed at the last accounts.

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Major Gates was recently stricken from the rolls of the army of the United States by the president, on the reception of the proceedings of the court of inquiry, called at the instance of major Gates, to investigate his conduct subsequent to the attack on Volusia, on the St. Johns' river in Florida, in April last. We will publish the proceedings of the court, &c. in our next.

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The "Intelligencer" of Thursday says—In the brief debate yesterday in the senate upon the amendment made by the house to the senate bill, Mr. Clay took occasion to express his approbation of the amendment, upon its merits, as an improvement of the bill. But, were he less satisfied, he intimated he should yet vote for it out of his tenderness for constitutional scruples entertained *elesewhere*, which it was supposed the amendment would have the effect to remove.

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Col. Wharton, one of the Texian commissioners, has, over his own signature, contradicted the rumor that there was a project on foot to deprive gen. Houston of the command of the army and place gen. Hamilton, of S. C. at the head of it. Gen. Hamilton has, also, in a letter to the editor of the Charleston Mercury, indignantly repelled the imputation that he had knowledge of or sanctioned such a plot.

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Albion K. Parris, of Maine, has been appointed second comptroller of the treasury, in the place of Mr. Thornton, appointed charge to Peru.

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A duel was fought near Washington on Thursday last between two officers of the navy, in which one of them was killed at the second fire.

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ARMY GENERAL ORDER.

Adjutant general's office, Washington, May 26, 1836.

Should major general SCOTT and brigadier general CLINCH not continue on duty in Florida, governor Call, under instructions from the war department, is, in such event, authorised to take command of the regular troops of the United States, and of the militia serving in Florida. The orders of the governor of Florida will be obeyed accordingly; and his requisitions on the several departments of the general staff will be promptly complied with. By order: R. JONES, *adjutant general.*

The absence of major general SCOTT from Florida, who is now commanding in the Creek nation, and the resignation of general CLINCH, which, we understand, has been accepted by the president, places the conduct of the campaign with the governor of the territory, as seen by the above "general order." [*Globe.*

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CHESAPEAKE AND DELAWARE CANAL. Our readers will perceive by the legislative proceedings in our paper of to-day that the bill to authorise the final settlement of the controversy between the Chesapeake and Delaware canal company, John Randel, junior, and its other creditors, passed both houses of the legislature by a unanimous vote. The bill carries out all the suggestions of the governor's message, a perusal of which will make any one acquainted with the details of the law. All parties, whether stockholders or creditors, are now fully satisfied.

The controversy has terminated in a settlement upon just and equitable principles. What is best of all, the public will rejoice to learn, that this canal, which is one of the most splendid and useful of all the works of internal improvement in this country, is now open for vessels drawing from six to seven feet water; and by this arrangement, is now free for ever from any obstruction to the navigation. The trade of the canal is said to have doubled beyond any thing known, before this arrangement was made. [*Newcastle Gaz.*

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Mr. BROOKS, in one of his late letters from Europe, thus speaks:

"Newspapers are precious and scarce. The postage is immense. A stray Galignani (an English newspaper printed in Paris), may now and then be seen, and the sight of one is a precious treasure; but almost all I learn from the United States is in the little journals of Italy, which are about as large as one-eighth part of the National Intelligencer of Washington. They tell me the union is breaking up; that riots and rows are desolating the whole land; that the slaves are rebelling, and that a servile war is threatened. And they rejoice loudly, as they hold up this admonition of the folly of men attempting to govern themselves. Nothing so much delights them as this last demonstration, as they call it, of the impossibility of a republic, even when founded under the most favorable circumstances. The Lynch laws particularly delight them. The Mississippi gamblers, Lynched as they were, are nevertheless compensated with an immortality in every despot's journal in Europe. The slave missionaries are wearing a crown of glory here, as martyrs of a mad democracy. How true all these things are, I have no means of telling; for all I see is in the little Italian journals, which are particularly occupied with such of our affairs as tend to discredit all republican institutions. And, perhaps, one of the greatest pleasures of travelling is to read such news of one's own country in a foreign land, particularly when it is probable that all is at least founded on fact. The emperor of Austria, it is said, has seized this occasion to inspire his Italian subjects with a horror of all republican institutions, by making it optional with some state prisoners in Italy—whether they will choose the punishment of death at home, or banishment to the United States!"

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THE GREAT CARVER CLAIM. It is well known that a claim exists to an immense tract of country, partly within the limits of the United States, situated mostly on the upper waters of the Mississippi. The foundation of the claim, we believe, is this: In the years 1766 and 1767, Jonathan Carver, a native of Connecticut, a man of enterprise and of a speculative disposition undertook to explore the vast unknown territory then recently acquired by the English from the French, by the conquest of Canada. He spent a year or two in examining the country around the upper branches of the Mississippi, Lake Superior, &c. and in becoming acquainted with the customs and manners of the savage inhabitants. He had hoped to discover and establish a line of communication between Hudson's bay and the Pacific ocean, and thus open a shorter and safer route for the English trade to China and the East India settlements. He was obliged to return, however, without effecting his object. During his stay he purchased of the Indian chiefs residing near the falls of St. Anthony, on the Mississippi, a tract of land, the boundary line of which commenced at the falls of St. Anthony and went down to Lake Pepin; thence five days journey west, to another specified limit; thence six days journey north to another specified limit, and thence back to the starting point. A day's journey was understood to mean about twenty miles. After obtaining this grant from the Indians, it is said that Carver went to England and obtained a confirmation from the English government. The tract, so easily obtained by Carver, is large enough for the basis of an independent state, comprising, as it does, thousands of square miles of fertile territory, watered by noble streams. It lies near the greatest mining district in the world, and is supposed to contain inexhaustible mineral treasures. Notwithstanding the possession of this vast estate, with an area larger than that of many European kingdoms, Carver died in England, in the year 1780, in a state of the utmost destitution. He left a wife and six or seven children in this country.

Some of his descendants reside in Deerfield and Montague, in the state of Massachusetts. Deeds of portions of this tract have been repeatedly given during the last fifty years by heirs in Deerfield and elsewhere, and a number of townships on the tract have lately been settled by persons claiming under these deeds. The utmost confidence is felt by many in the validity of the title; and at any rate the prize is sufficiently splendid to be well worth a contest. The Greenfield Mercury, from which we glean most of these particulars, states that some excitement exists in some parts of that county and elsewhere, in respect to this great land claim, which the recent rapid settlement of the west has brought into notice and importance.

[*Boston Times.*

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NIAGARA FALLS FOR SALE. Mr. Rathburn and the other proprietors of the village of Niagara Falls, offer for sale in the Black Rock Advocate, this valuable property with its admirable water facilities. The water and manufacturing facilities of this tremendous torrent of all the contents of the great lakes above falling down a precipice of 150 feet, are no doubt immense—enough to satisfy the ambition of the most ultra-tariff man. Combining also a scenery which for grandeur and sublimity, is unequalled in the world, and which would make a paradise for a Shakspeare, a Goethe, or a Byron, if poets unfortunately were not all too miserably poor to purchase even the meanest garret, much less such a home as this.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

June 16. Some errors having occurred in the Intelligencer's report of this day's proceedings, in consequence of the situation of the reporter, which places it out of his power to state, at all times, with desirable precision, motions made for amendments, &c. the editors have published an account of the proceedings on the deposite bill, made up from the official journal of the senate—which we also publish that our abstract of the proceedings, which was copied from the Intelligencer, may stand corrected, viz:

The senate resumed, as in committee of the whole, (Mr. *King*, of Alabama, in the chair), the consideration of the bill to regulate the deposites of the public money.

On motion of Mr. *Wright*, that the bill, the substitute reported by the select committee, and all the amendments made to the same in committee of the whole, be recommitted to the committee on finance, with instructions to separate those portions of the bill which regulate the deposites of the public money in the banks from those portions which propose a distribution of the public money to the states, or a deposite of that surplus with the states, and to bring in two bills embracing each class of the provisions separated from each other, the vote was, as already stated, yeas 21, nays 25. So the motion was lost.

On motion by Mr. *Walker*, to amend the reported amendment by striking out the words "amounts of population as ascertained by the last census, according to the provision of the second section of the first article of the constitution," and inserting "representation in the senate and house of representatives of the congress of the United State," it was determined in the affirmative—yeas 23, nays 22.

On motion by Mr. *Wright*, to amend the reported amendment by striking out the 13th and 14th sections thereof, and inserting the following:

"Sec. 13. *And be it further enacted*, That the commissioners of the sinking fund be hereby authorised and directed, at the commencement of every quarter of the year, to examine into the condition of the treasury, and the probable amount of receipts and expenditures during that quarter; and if, in their opinion, the money in treasury during the quarter will generally exceed ——— millions of dollars, it shall be their duty to cause the sum equal to the supposed excess to be drawn out of the treasury and invested, in the name and on the behalf of the United States, in stocks or other securities issued by or on behalf of some one of the states of this union, bearing upon their face the guaranty of the faith and credit of the state issuing the same for the payment of the interest and the final redemption of the pricipal of the said stocks or other securities; and being also upon their face transferable by assignment, or in some other manner, at the pleasure of the holder: and in case the said commissioners, upon any such examination into the condition of the treasury at the commencement of any quarter, shall be satisfied that the money in the treasury, for that quarter, will generally fall short of the sum above specified, then it shall be their duty to order a sale or sales of such part or portion of any such stocks or other securities owned by the United States, as will produce a sufficient sum to make up the supposed deficiency, the proceeds whereof shall be paid into the treasury.

"Sec. 14. *And be it further enacted*, That said commissioners of the sinking fund shall be governed, in making such investments or sales, by the current and customary prices of stocks in the commercial cities of the United States. And, at the commencement of every year, said commissioners shall make a detailed report to congress of all their doings and proceedings under the provisions of this act."

The question on this proposed amendment was determined in the negative—yeas 4, nays 39.

On motion by Mr. *Benton*, to amend the reported amendment by striking out (Sec. 13, line 5), the words "deposited with," and inserting "loaned to," it was determined in the negative—yeas 5, nays 37.

The amendment reported by the committee having been agreed to by the committee of the whole, and reported to the house—

On motion by Mr. *Webster*, to amend the reported amendment by striking out of Sec. 13, line 6, the words "representation in the senate and house of representatives of the congress of the United States," and inserting, in lieu thereof, "amounts of population as ascertained by the last census," it was determined in the negative—yeas 23, nays 23.

On motion by Mr. *Tipton*, to amend the bill by striking out the 11th section, as follows:

"Sec. 11. *And be it further enacted*, That whenever the amount of public deposites in any bank shall, for a whole quarter of a year, exceed the one-fourth part of the amount of the capital stock of such bank actually paid in, the banks shall allow and pay to the United States, for the use of the excess of the deposites over the one-fourth part of its capital, an interest at the rate of two per centum per annum, to be calculated, for each quarter, upon the average excesses of the quarter; and it shall be the duty of the secretary of the treasury, at the close of each quarter, to cause the amounts on deposite in each deposite bank for the quarter, to be examined and ascertained, and to see that all sums of interest accruing under the provisions of this section are, by the banks respectively, passed to the credit of the treasurer of the United States in his accounts with the respective banks."

The question on this proposed amendment was decided in the negative—yeas 7, nays 39.

On motion by Mr. *Walker*, to amend the reported amendment by inserting at the end of the 14th section these words: "Provided, also, that the amount directed by this act to be deposited with the state of Mississippi, be and remain deposited, without interest, in the Planter's bank of the state of Mississippi, until time be afforded for passing an act by the legislature of the state of Mississippi, authorising the receipt of the portion of that state under the provisions of this act."

The question on this amendment was decided in the negative—yeas 21, nays 24.

On motion by Mr. *Black*, to amend the reported amendment by striking out the 13th and 14th sections as follows:

"Sec. 13. *And be it further enacted*, That the money which shall be in the treasury of the United States on the first day of January, eighteen hundred and thirty-seven, reserving the sum of ——— millions of dollars, shall be deposited with the several states, in proportion to their respective representation in the senate and house of representatives of the congress of the U. States; and the secretary of the treasury shall deliver the same to such persons as the several states may authorise to receive it, on receiving certificates of deposite, signed by the competent authorities of such state, each for such amount and in such form as the secretary of the treasury may prescribe, which shall set forth and express the obligation of the state to pay the amount thereof to the United States, or their assigns: and which said certificates it shall be competent for the secretary of the treasury, in the name and behalf of the U. States, to sell and assign, whenever so directed by any act of congress, all sales and assignments, however, to be ratable, and in just and equal proportions, among all the states, according to the amounts received by them, respectively; and all such certificates of deposite shall be subject to, and shall bear an interest of five per centum per annum, payable half-yearly, from the time of such sale and assignment, and shall be redeemable at the pleasure of the states issuing the same.

"Sec. 14. *And be it further enacted*, That the said deposites shall be made with the said states, in the following proportions, and at the following times, viz: one quarter part on the first day of January, eighteen hundred and thirty-seven, or as soon thereafter as may be; one quarter part on the first day of April, one quarter part on the first day of July, and one quarter part on the first day of October, all in the same year."

The question on this proposed amendment was decided in the negative—yeas 7, nays 39.

The reported amendment was then agreed to, and the bill, as amended, ordered to be engrossed for a third reading—yeas 40, nays 6.

June 17. The chair laid before the senate a communication from the hon. *Arnold Naudain*, of Delaware, resigning his seat in the senate of the United States.

After the transaction of some business of minor importance, the bill supplementary to the act making appropriations for the support of government for the year 1836 was taken up and passed, as was the bill to authorise the governor and legislative council of Florida to sell the lands granted to that territory for the support of seminaries of learning.

The engrossed bill to regulate the deposites of the public money, &c. was read a third time; and the question being on its passage, Mr. *Wright* made some remarks in opposition to the bill, in the course of which he introduced some calculations of the appropriations already made, and those which remain to be made, in order to show that, at the end of the present year, the whole of the revenue, ordinary and surplus, will be consumed.

Mr. *Calhoun* made some remarks, in reply, on the extravagance of the administration, which had raised the annual expenditures from twenty-two millions to sixty-six millions. He regretted that the bill had not passed unanimously, which would have been a proud monument to our patriotism. Such would

have been the case had the friends of the bill received the aid of the senator from New York. Mr. *Walker* defended the ratio o distribution which he had offered from the attack made on it by the senator from New York. Mr. *Buchanan* and Mr. *Webster* addressed the senate, after which Mr. *Benton* moved to lay the bill on the table until the important appropriation bills should have been acted on. He withdrew the motion, while Mr. *Rives* spoke in favor of the bill, at some length. Mr. *Tallmadge* followed in a series of remarks also in favor of the bill. Mr. *Wright* made some remarks in explanation of several things that had fallen during the debate, and in opposition to the bill. Mr. *Shepley* said he had wished to state the reasons of his vote, but would take some other occasion, and hoped the question would be taken at once. Mr. *Clay* took the floor, and spoke at length in favor of the bill, and in general congratulation of the determination which seemed to pervade the senate, without distinction of party, to check extravagant expenditures and provided for the safety of the public moneys. Mr. *Niles* made a few remarks. Mr. *Calhoun* expressed a hope that the harmony of the debate would not be disturbed. He thought there was no mischief in the measure, and it was a mere measure of precaution. Mr. *Webster* called for the yeas and nays; which were ordered.

The question being taken on the passage of the bill, it was decided in the affirmative, as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing, of Ill. Ewing, of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King, of Alabama, King, of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Nicholas, Niles, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, White—38.

NAYS—Messrs. Benton, Black, Cuthbert, Grundy, Walker, Wright—6.

The senate then adjourned.

June 18. Mr. *Morris* being absent yesterday when the vote was taken on the passage of the bill to regulate the deposites of the public money, asked for leave to record his vote in the affirmative, and leave was granted. After the disposition of a number of petitions, bills, &c. chiefly of a private character,

Mr. *Clay*, from the committee on foreign relations, to whom were referred the resolutions of the legislature of Connecticut, and a number of memorials and petitions from various quarters, praying for the recognition of the independence of Texas, made the following report:

The committee on foreign relations, to whom were referred resolutions of the legislature of Connecticut, sundry memorials, and other proceedings of various meetings of the people, all recommending the recognition of the independence of Texas, has, according to order, had them under consideration, and now beg leave to submit to the senate the following report and resolution:

The right of one independent power to recognise the fact of the existence of a new power, about to assume a position among the nations of the earth, is incontestable. It is founded upon another right—that which appertains to every sovereignty to take care of its own interests, by establishing and cultivating such commercial or other relations with the new power as may be deemed expedient. Its exercise gives no just ground of umbrage or cause of war. The policy which has hitherto guided the government of the United States in respect to new powers has been to act on the fact of their existence, without regard to their origin, whether that has been by the subversion of a preexisting government, or by the violent or voluntary separation of one from another part of a common nation. In cases where an old established nation has thought proper to change the form of its government, the United States, conforming to the rules which has ever governed their conduct, of strictly abstaining from all interference in the domestic concerns of other states, have not stopped to inquire whether the new government has been rightfully adopted or not. It has been sufficient for them that it is in fact the government of the country in practical operation. There is, however, a marked difference in the instances of an old nation which has altered the form of its government, and a newly-organized power which has just sprung into existence. In the former case, (such, for example, as was that of France), the nation had existed for ages as a separate and independent community. It is matter of history; and the recognition of its new governments was not necessary to denote the existence of the nation; but, with respect to new powers, the recognition of their governments comprehends, first, an acknowledgment of their ability to exist as independent states, and, secondly, the capacity of their particular governments to perform the duties and fulfil the obligations towards foreign powers incident to their new condition. Hence, more caution and deliberation are necessary in considering and determining the question of the acknowledgment of a new power than that of the new government of an old power.

The government of the United States has taken no part in the contest which has unhappily existed between Texas and Mexico. It has avowed its intention, and taken measures to maintain a strict neutrality towards the belligerents. If individual citizens of the United States, impelled by sympathy for those who were believed to be struggling for liberty and independence against oppresston and tyranny, have engaged in the contest, it has been without the authority of their government. On the contrary, the laws which have been hitherto found necessary or expedient to prevent citizens of the United States from taking part in foreign wars have been directed to be enforced.

Sentiments of sympathy and devotion to civil liberty, which have always animated the people of the United States, have prompted the adoption of the resolutions and other manifestations of popular feeling which have been referred to the committee, recommending an acknowledgment of the independence of Texas. The committee shares fully in all these sentiments; but a wise and prudent government should not act solely on the impulse of feeling, however natural and laudable it may be. It ought to avoid all precipitation, and not adopt so grave a measure as that of recognizing the independence of a new power until it has satisfactory information, and has fully deliberated.

The committee has no information respecting the recent movements in Texas, except such as is derived from the public prints. According to that, the war broke out in Texas last autumn. Its professed object, like that of our revolutionary contest in the commencement, was not separation and independence, but a redress of grievances. In March last, independence was proclaimed, and a constitution and form of government were established. No means of ascertaining accurately the exact amount of the population of Texas are at the command of the committee. It has been estimated at some sixty or seventy thousand souls. Nor are the precise limits of the country which passes under the denomination of Texas known to the committee. They are probably not clearly defined, but they are supposed to be extensive, and sufficiently large, when peopled, to form a respectable power.

If the population is small; if, when compared with that of the United Mexican States, amounting probably to not less than eight millions of souls, the contest has been unequal, it has nevertheless, been maintained by Texas with uncommon resolution, undaunted valor, and eminent success. And the recent signal and splendid victory in which that portion of the Mexican army which was commanded by gen. Santa Ana, the president of the Mexican government, in person, was entirely overthrown, with unexampled slaughter, compared with the inconsiderable loss on the other side, put to flight and captured, including among the prisoners the president himself and his staff, may be considered as decisive of the independence of Texas. That memorable event will probably be followed by negotiations which may lead to the acknowledgment by Mexico of the independence of Texas, and the settlement of its boundaries. And, under all circumstances, it might, perhaps, be more conformable with the amicable relations subsisting between the U. States and the United Mexican States, that the latter should precede the former in the acknowledgment of the independence of Texas. But if the war should be protracted, or if there should be unreasonable delay on the part of the Mexican government, the government of the U. States ought not to await its action.

The recognition of Texas as an independent power may be made by the United States in various ways: 1st, by treaty; 2d, by the passage of a law regulating commercial intercourse between the two powers; 3d, by sending a diplomatic agent to Texas, with the usual credentials; or, lastly, by the executive receiving and accrediting a diplomatic representative from Texas, which would be a recognition as far as the executive only is competent to make it. In the first and third modes the concurrence of the senate, in its executive character, would be necessary; and, in the second, in its legislative character. The senate alone, without the co-operation of some other branch of the government, is not competent to recognise the existence of any power.

The president of the United States, by the constitution, has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power. But, in this case, he has not yet done it, for reasons which he, without doubt, deems sufficient. If, in any instance, the president should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of congress, as was done in relation to the republics formed out of Spanish America. But the committee does not think that, on this occasion, any tardiness is justly imputable to the executive. About three months only have elapsed since the establishment of an independent government in Texas; and it is not unreasonable to wait a short time to see what its operation will be, and especially whether it will afford those guaranties which foreign powers have a right to expect before they institute relations with it.

Taking this view of the whole matter, the committee conclude by recommending to the senate the adoption of the following resolution:

Resolved, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government, capable of performing the duties and fulfilling the obligations of an independent power.

Mr. *Clay* stated that the committee, he was happy to inform the senate, had been unanimous in their sanction of this report. He did not know that it was very important that the resolution should be acted on at this session. Yet, as there might be gentlemen who would desire to give their views on the subject, he would move that the report be printed, and made the special order for Thursday next.

Mr. *Preston*, in a tone which did not reach us in our remote position, expressed his acquiescence in the motion, and his

wish that a resolution offered by him some days since, calling on the president for a communication on the subject of any correspondence between him and the government or agents of Texas, on the subject of the condition, administration, &c. of Texas. The senate would then be able to decide whether any further action was necessary.

Mr. *Clay* said he hoped the resolution would be taken up. It would be very desirable to have the information which it asked for, in order to determine if any stronger measure was necessary than that now reported.

The motion of Mr. *Clay* was agreed to.

The resolution offered by Mr. *Preston* was then taken up and agreed to.

Some time was spent in the consideration of bills for personal or local objects, after which the senate, on motion of Mr. *Benton*, went into the consideration of executive business; and having remained a short time in secret session, adjourned.

June 20. The *chair* presented the credentials of *Richard Bayard*, elected U. States senator, by the legislature of the state of Delaware, to fill the vacancy occasioned by the resignation of the hon. *Arnold Naudain*. Mr. *Bayard* then appeared, and took the requisite oath and his seat.

The *chair* laid before the senate a communication from the secretary of the treasury, enclosing a report on the transactions of the mint, under the act of 1792.

Mr. *Webster*, from the committee on finance, to which was referred a resolution (Mr. *Hubbard's*) instructing the committee to inquire if the course pursued by the territorial legislature of Florida concerning the incorporation of banks did not require the interference of congress, and into the number of banking institutions in Florida established within the last three years, reported that the committee had attended to this business, and had come to a decision that the state of the banking institutions does require the attention of congress. He was, therefore, instructed to report a bill and joint resolution. It was certain that laws had been passed by the territorial legislature which should be disapproved and annulled. There was no doubt that congress had the power to disapprove or annul, although there might arise a question, in some cases, where the property to be acted on may have passed into the hands of a third person.—Such had been the lax state of the legislation in Florida on this subject, that persons having capital had gone thither expecting that, by the passage of extraordinary laws with unusual privileges, they might use their capital with greater advantage. Mr. W. concluded with reporting—

An act to prohibit the passage of acts incorporating banks in Florida, without the sanction of congress, and disapproving and annulling certain laws therein named.

A joint resolution disapproving of certain charters, &c.

The bill and joint resolution were read, and ordered to a second reading.

Mr. *Webster* gave notice that he should ask the senate on Thursday so take up these subjects.

After the reception of several other reports on the prayers of individuals, the senate, on motion of Mr. *Grundy*, took up the bill to change the organization of the post office department, the question being on non-concurring with the committee in an amendment by which the 43d and 44th sections were inserted, it was agreed to.

Mr. *Grundy* then moved to strike out the 43d and 44th sections. [These are the sections which relate to the taxes on the post office.] Mr. *Davis* offered to amend the motion by inserting as a substitute several sections making it lawful for postmasters in each village, town or city, to erect office boxes, graduating the price of those boxes in proportion to the population of the town or city, viz: boxes in cities or towns containing less than ten thousand inhabitants to be rented at any sum not exceeding one dollar each a year: those in towns or cities containing more than ten thousand inhabitants and less than twenty thousand, at a sum not exceeding one dollar and fifty cents a year: those in towns or cities containing more than twenty thousand inhabitants, at a sum not exceeding two dollars a year. The expense of erecting the boxes to be defrayed by the United States, and a true account of the receipts arising therefrom to be returned to the post office department. The several deputy postmasters, except in the cities of New York and New Orleans, may, in addition to the other allowances made to them by law for their services, detain for their own use the revenue arising from said boxes, provided such revenue, when added to the other emoluments, shall not exceed the sum of thirty-five hundred dollars in a year; in which case, the balance shall be paid as other revenues to the general post office. The deputy postmasters may detain in their respective hands from the revenue of said boxes until that, with their other emoluments, amounts respectively to four thousand dollars.

A debate now ensued in which the merits of the proposition were discussed at some length; when, finally, Mr. *Grundy's* proposition to strike out was carried—ayes 25. The question was next taken on Mr. *Davis'* motion to amend, which was lost—ayes 16, noes 28. Mr. *Buchanan* then moved the following amendment: "*Be it enacted*, That each postmaster and deputy postmaster shall make quarterly returns of the amount received by him for the rent of boxes; and if the same shall exceed the sum of two thousand dollars per annum, he shall account for and pay over the excess." Mr. *Grundy* opposed this amendment. He thought the postage on letters too high, and wished this subject to stand over to the next session and that the amendment could be withdrawn. Mr. *Buchanan* refused to withdraw it; Mr. *Webster* then called for the yeas and nays; which were ordered.

Mr. *Clay* said this matter of perquisites was inconsistent with the genius of our government. He knew these perquisites existed, but he had never dreamt that the senate would have been seriously engaged in regulating these perquisites. They might as well undertake to regulate the perquisites of custom house officers. If a postmaster receives 1,000 dollars salary, and by means of his exactions can make another 1,000, the law is now to be changed so as to give him authority to do so. He was glad to find that the attention of the popular branch had been called to the subject, and that they had arrested this official abuse in the beginning. Mr. *Grundy* said that the boxes had been established at Boston above forty years ago. He wished the subject to remain over until the next session. Mr. *Davis* said this was a beginning of legal enactments on the subject, and he should, therefore, vote against the amendment. The question was then taken on the motion of Mr. *Grundy*, and decided in the negative—yeas 15, nays 29.

Mr. *Preston* moved to amend the bill by introducing a provision that the postmaster general shall keep all offers for contracts in a well bound volume, which shall also be reported to congress and published: which was agreed to. The amendment was agreed to; the bill was then reported to the senate as amended, the amendments concurred in, and the bill ordered to be engrossed and read a third time.

The message of the president of the United States, returning the bill to fix the day for the annual meeting of congress, &c. being the special order, was, on motion of Mr. *Clayton*, postponed till to-morrow, and made the special order for that day. The bills from the house on the table were read twice, and referred. The several bills ordered to a third reading were read a third time, and passed.

The senate proceeded to consider the bill to increase the present military establishment of the United States.

The question being on the amendment reported by the committee on military affairs as a substitute for the whole of the original bill,

The amendment was agreed to as in committee of the whole, and the bill, as amended, was reported to the senate.

Mr. *Clay* moved to strike out the first section of the bill. Mr. *Benton* asked for the yeas and nays on the question, and they were accordingly ordered. Mr. *Calhoun* required an estimate of the increased expense of the military establishment. Mr. *Benton* replied that the cost per man was already fixed by law, and that the increase of cost was so easily obtained by the amount of the increase of number, that he had not thought it worth while to make any estimate. Mr. *Preston* expressed a desire to increase the army sufficiently to tranquilize the feelings of that part of the country which had been under apprehensions of danger, provided the cost to the country should not be too burdensome. He stated that the increase of expense was to be reckoned by the rank and file, as the officers had not been increased. Messrs. *Crittenden*, *Linn* and *Calhoun* made some observations; after which, the question was taken on the motion to strike out the first section, and decided as follows:

YEAS—Messrs. Crittenden, Ewing, of Ohio, Kent, Knight, Prentiss, Southard—6.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Grundy, Hubbard, King, of Alabama, Linn, Mangum, Morris, Nicholas, Niles, Page, Porter, Preston, Rives, Robinson, Ruggles, Tallmadge, Walker, Wall, White, Wright—26.

On motion of Mr. *Preston*, sections 12, 13 and 14, including the provisions for the increase of the ordnance department, were stricken out. On motion of Mr. *Calhoun*, the 15th and 16th sections relating to changes in the quartermaster's department, were stricken out. On motion of Mr. *Nicholas*, the 17th, 18th, and 20th sections were stricken out.

The bill was further amended by the insertion of a proviso, on motion of Mr. *Calhoun*.

The question being on the engrossment of the bill, the yeas and nays were taken, and it was decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Hendricks, Hubbard, King, of Alabama, King, of Georgia, Linn, Nicholas, Page, Porter, Preston, Rives, Robinson, Ruggles, Sheplcy, Tallmadge, Tipton, Walker, Wall, White, Wright—26.

NAYS—Messrs. Clay, Crittenden, Davis, Kent, Knight, Southard, Swift, Tomlinson—8.

Mr. *Ruggles* moved to postpone the orders to take up the bill to provide for the erection of a building for a patent office, which was agreed to—yeas 19. Some debate took place on this bill, which proposes to expend $180,000 in the building of a patent office; but before any question was taken, on motion of Mr. *Calhoun*, the senate adjourned.

June 21. Mr. *McKean* presented the joint resolutions of the legislature of Pennsylvania, in favor of an equitable distribution of the surplus revenue among the states; which were read, laid upon the table and ordered to be printed. [For the resolutions see page 291.]

After the reception and disposal of several reports and resolutions which will be duly noticed hereafter, the bill to reorganize the general post office department was read a third time and passed.

A bill to increase the present military establishment of the United States was also read a third time and passed.

[This bill, as it has been amended, provides that there shall be added to each company of artillery of the army one-sergeant-major, one quartermaster-sergeant, two corporals, and twenty-seven privates; and to each company of infantry one sergeant-major, one quartermaster-sergeant, one sergeant, two corporals, and thirty privates; and to each company of dragoons one sergeant-major, one quartermaster-sergeant, and one saddler. The present regimental sergeants-major and quartermaster-sergeants, and first sergeants, to be discontinued, and in lieu thereof there shall be appointed, for each regiment, two sub-adjutants, with the rank, pay and emoluments of cadets. The bill further authorises the president to assign to any officer of the army, when necessary, the duties of paymaster; and provides that five additional surgeons and ten additional assistant surgeons to the army be appointed. The bill also authorises the president, when deemed expedient, to cause one of the regiments of infantry to be armed and equipped and to serve as a regiment of riflemen, and another regiment to be equipped and serve as a regiment of light infantry.]

The senate then proceeded, as in committee of the whole, to consider a large number of bills principally of a private nature.

[Among those of general interest was the bill organizing the navy of the United States, which was amended, on motion of Mr. *Southard*, by striking out "fifty" surgeons and inserting "sixty"—and the question being on its engrossment, it was, on motion of Mr. *Buchanan*, laid on the table.]

On motion of Mr. *Shepley*, the senate proceeded to the consideration of executive business; and after some time had been passed with closed doors, the senate adjourned.

June 22. After the usual morning business, the senate, on motion of Mr. *Webster*, proceeded to consider the amendment made by the house to the bill to regulate the deposites of the public money. The amendment having been read, Mr. *Calhoun* moved to lay it on the table to allow time for examination. The motion was agreed to. The senate then considered the amendments to the bill granting lands to the state of Alabama for purposes specified therein—which were concurred in.

Mr. *Calhoun* now moved that the senate proceed to consider the amendment to the deposite bill, which motion was agreed to. He then moved that the senate concur in the amendment. This motion gave rise to a brief debate in which Messrs. *Webster*, *Morris*, *Buchanan*, *Calhoun*, *Clay*, *Clayton*, *White*, *Ewing*, *Benton* and *King*, of Ala. participated. The amendment was then concurred in.

The senate then took up the message of the president, returning, with his objections, the bill to change the time of meeting of congress. The question being on the passage of the bill, the objections of the president thereto notwithstanding, a debate ensued in which Messrs. *Clayton*, *Webster*, *Preston*, *Bayyard*, *Clay*, *Leigh*, *Calhoun*, spoke against and Messrs. *Rives* and *Shepley* in favor of the president's views.

[Every senator spoke against the constitutional ground taken by the president, except Messrs. *Rives* and *Shepley*.]

The bill was then laid on the table until to-morrow. Some business of minor importance was next transacted: after which the senate went into the consideration of executive business; and having spent some time therein, the doors were opened, several private bills were considered and ordered to a third reading, and then the senate adjourned.

June 23. But little business of importance was transacted this day. We will, however, give the details in our next that the journal may be complete.

HOUSE OF REPRESENTATIVES.

Thursday, June 16. [Continuation of the proceedings at the evening session.] The question, after some remarks from Mr. *E. Whittlesey*, urging the house to dispose of this subject, and proceed to the bills in which the western country was interested, was taken, on the motion of Mr. *Hard*, to reduce the appropriation for repairs of fortifications, &c. from 200,000 to 100,000 dollars, and was determined in the affirmative—yeas 96, nays 88. Mr. *Robertson* moved to strike out the words "for the purchase of additional land." After some remarks from Messrs. *Cambreleng*, *Hardin*, *Mason*, of Va. *McKay* and *Wise*, the motion was lost. The amendment of the committee, as amended in the house, was then agreed to. Mr. *Cambreleng* proposed an amendment to the amendment appropriating $700,000 for the arming of fortifications, by inserting in detail the names of many articles necessary for that purpose.

At 8 o'clock, P. M. without further question, an adjournment was called for, and carried in the affirmative—ayes 76, noes 75.

So the house adjourned.

Friday, June 17. Mr. *Jarvis*, from the committee on the public buildings, reported, without amendment, the joint resolution from the senate, to furnish the vacant panels in the rotundo of the capitol with four historical paintings, by American artists; which, by general consent, was read a third time, and passed.

The house next took up the motion to reconsider the vote by which the bill for the relief of Ellen A. Smuck was rejected—when the merits of the bill were discussed, after which the question was taken and the motion lost.

On motion of Mr. *Cambreleng* the rule setting apart this day for the consideration of private business was suspended, and the house took up the bill making appropriations for certain fortifications of the United States for the year 1836. Mr. *Cambreleng* then withdrew the amendment he had offered yesterday. The question now being on concurring in the amendment of the committee of the whole, appropriating 700,000 dollars, in addition, for the armament of the fortifications, provided the president be authorised to expend such portion of the sum as may be necessary therefor, in establishing a national foundry. Mr. *Bond* opposed the amendment at some length. Mr. *Dromgoole* moved to amend the amendment in such manner as to appropriate 75,000 dollars of the above sum towards the establishment of a national foundry at the city of Washington, and 10,000 for the purchase of land in the vicinity of the same. A discussion now ensued which occupied a considerable portion of the time of the house, during which an appeal was taken from a decision of the chair, which decision was sustained. Finally the yeas and nays were ordered and the amendment rejected, only 27 voting in favor of it.

The house then took a recess.

Evening session. The fortification bill was again taken up. The proposed amendment of $700,000 for the armament of fortifications, &c. was reduced, after a long debate, to $400,000, and was then adopted. The other amendments reported from the committee were agreed to, after more or less discussion. The bill having been gone through with, Mr. *Hawes* moved to reduce the appropriation for the forts in Boston harbor from $209,000 to $150,000, inasmuch as the appropriation for Charleston had been reduced. The motion was agreed to. Motions were made to reduce other items of appropriation. Mr. *Vanderpoel* said it was apparent that a system of *razeeing* was to be carried through the bill, and he moved the previous question, which was seconded. The main question was then put, and the amendments were ordered to be engrossed, and the bill read a third time this day. The house about nine o'clock adjourned.

Saturday, June 18. On motion of Mr. *Jarvis*, the committee of the whole was discharged from the further consideration of the bill making appropriations for the completion of vessels of war upon the stocks, and for repairing and equipping those in ordinary; and the same was recommitted to the committee on naval affairs.

Mr. *Jarvis*, from the committee on naval affairs, reported a bill to provide for the peace establishment of the navy, and a bill making appropriations for repairing and equipping vessels in ordinary, and for building two brigs and three steam vessels; which were read twice, and committed. Several motions to take up different subjects out of their order were rejected.

Mr. *McKay* moved that the rules be suspended for the purpose of enabling him to offer the following resolutions—but the yeas and nays having been ordered, the house refused to suspend them—yeas 121, nays 76. Not two-thirds.

Resolved, That the revenue receivable under the present laws is, and will be more than is required for the fair and legitimate wants of the government, and that provision ought to be made for its reduction.

Resolved, That the secretary of the treasury report to this house, at the commencement of the next session, what alteration can be made in the existing tariff of duties, consistently with the principles of the several acts imposing duties upon imports, with a view to reduction.

Resolved, That the secretary of the treasury also report upon the best mode of diminishing the revenue arising from the public lands, without retarding the settlement of the new states, or impairing the interests of the general government; and generally his views as to the best mode of reducing the revenue to the fair and constitutional wants of the government.

After several bills and reports had been received and disposed of, Mr. *Patton* moved to take up the bill from the senate "to regulate the deposites of the public moneys of the United States," with the view to make it the special order for next week. Mr. *Briggs* called for the yeas and nays, which were ordered and the motion lost—yeas 129, nays 67; not two-thirds.

On motion of Mr. *Bell*, the house went into committee of the whole, (Mr. *Pearce*, of Rhode Island, in the chair), and took up "the bill to provide for the adjustment of certain claims and reservations of land, under the 14th article of the treaty of 1830, with the Choctaw Indians." The bill having been read, the committee rose, and reported the same to the house, without amendment, and it was ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

The bill to extend the pension system, ordered to be engrossed for a third reading this day, was taken up, and, after a variety of motions, finally passed—yeas 109, nays 75.

After the passage of the bill, Mr. *Jarvis* moved a reconsideration of the vote—which motion was lost.

A private bill was next disposed of, after which, on motion of Mr. *Ash*, the house adjourned.

Monday, June 20. Mr. *Lane* moved a suspension of the rules for the purpose of taking up the bill from the senate "to regulate the deposites of the public money," and thereupon asked the yeas and nays, which were ordered. A call of the house having been ordered, and a question of order considered and decided by the speaker, by general consent the bill was taken up and the question being on its commitment, Mr. *Dickerson* moved to add to the motion to commit the bill to a committee of the whole, with instructions to separate the same into two bills, so that the first should regulate the deposite of the public moneys, and the second should provide for the distribution of the surplus among the states.

Mr. *Dickerson* said he was in favor of the whole bill, but thought if both propositions were acted on jointly it might be

placed in jeopardy; for a majority of members might be willing to vote for one and not the other proposition; and intimated that the president might approve of that portion of the bill relating to the deposites, but veto the whole if the proposition for the distribution of the revenue was connected with it, &c. Mr. *Denny* thought the proposition to divide fatal to the whole bill. The gentleman from New Jersey, (Mr. *Dickerson*), he said, had gone, apparently, on the ground that there were two bills, instead of one; but he could see only one entire proposition for the disposition of the public money; and he did not see how it could be divided. There would not be time during the session to mature two bills, and obtain the action of the senate upon them separately. He thought that all those who wished to pass the bill would keep the two propositions together.

Mr. *McKennan* said he was utterly opposed to separating the two propositions; and he would appeal to the friends of the bill not to take up time in debating this preliminary motion. All the house had to do at this period of the session was to vote.

Mr. *Speight* considered the bill as clearly embracing two distinct propositions. He was in favor of that for regulating the deposites, but was opposed to the other. A principal objection to it was, that it asked no security of the states for the repayment of the money, when it should be called for; and he considered it, in that respect, as very defective. Mr. *Mercer* was really astonished that the gentleman could consider the two propositions distinct. He would not vote for the first proposition unless it was united with the other which had been considered so obnoxious. It was a proposition to reduce the amount of the deposites in the banks from $38,000,000 to $5,000,000. It was an important part of the subject of regulating the public deposites, and indissolubly connected with it. He said it went to make the states responsible for the repayment of the money, and ought not to be called a distribution; and he could not understand how it should be said there was no security for the money, when they were required to render certificates, and it depended on the action of the general government alone to make them responsible for the repayment.

Mr. *Lane* moved to amend the motion of the gentleman from New Jersey as follows: "That the bill be referred to the committee of the whole on the state of the union, and made the special order of the day for to-morrow at 12 o'clock, and each succeeding day thereafter until disposed of."

Mr. *Dickerson* accepted the amendment as a modification of his motion. Mr. *Parker* made a few remarks in opposition to a division of the bill. Mr. *Calhoun*, of Mass. thought it an incorrect course to instruct the committee, and called for a division of the question. Mr. *Smith* spoke at length on the question, but his remarks are not reported.

Mr. *Mann*, of New York, said he did not rise to discuss the subject; and he hoped the house would not spend much more time in debating the preliminary measure. He then offered a substitute for the instructions of the gentleman from N. Jersey, (Mr. *Dickerson*), so as to direct the committee to report the first twelve sections of the bill as one bill, and the three remaining sections as another bill, with such amendments as the committee might think proper.

Mr. *Dickerson* accepted this amendment as a modification of his motion. Mr. *Adams* hoped the instructions would be withdrawn. Instructing a committee of the whole, he said, was incompatible with the object of going into the committee. It would confine them to the subject of the instructions, and he went on to show some deficiencies and discrepancies, which ought to be considered and amended in the first part of the bill.

Mr. *Patton* said that there was no doubt about the propriety of committing the bill. He thought there was a great moral and political necessity for passing it; and it ought not to be trammelled to prevent that free discussion which it ought to receive. It was unusual to instruct a committee of the whole, and he could not perceive what extraordinary reasons there could be why the house was asked to adopt such a course. It had been said it was possible, and had been intimated to be probable, that the president would veto the bill. The house, he said, ought to act according to its sense of duty, without regard to the opinions of any other department of the government; and he himself would not turn a hair's breadth from what he thought right, from any apprehensions or threatenings of what the executive might do.

Mr. *Dickerson* rose to explain. He said he did not know that the executive would veto the bill. He had had no conversations with the president; nor did he mean to say that any one should be influenced by a knowledge of his opinions; but if he was opposed to a part of the bill, he thought the house ought to secure the passage of that part upon which there was no doubt.

After a few remarks from Mr. *Patton*, Mr. *Vinton* said he thought the instructions in either shape ought not to prevail; and he went on to point out the embarrassment that would arise from introducing a bill in a manner so contrary to the rules into the house, and also of the inconvenience and delay in sending such a bill to the senate.

The question having been divided, was taken first on the commitment of the bill to the committee of the whole on the state of the union; which was agreed to.

The question being on adopting the instructions, it was divided, and first taken on the instructions to the committee to separate the provisions of the bill so as to report the first twelve sections thereof as one bill, and the remaining three sections as another bill. This question was decided in the negative by yeas and nays as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Chaney, Chapman, Chapin, J. F. H. Claiborne, Coles, Cramer, Cushman, Dickerson, Dickson, Dromgoole, Dunlap, Effner, Fairfield, Farlin, French, W. K. Fuller, Galbraith, J. Garland, Gillet, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Howard, Hubley, Huntington, Huntsman, Ingham, J. Jackson, Jarvis, R. M. Johnson, C. Johnson, John W. Jones, Judson, Lansing, Gideon Lee, J. Lee, Loyall, Lucas, Abijah Mann, J. Y. Mason, W. Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Moore, Muhlenberg, Page, Parks, F. Pierce, Phelps, J. Reynolds, Roane, Rogers, Seymour, Shields, Shinn, Sickles, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Waldwell, Weeks, T. T. Whittlesey—96.

NAYS—Messrs. John Q. Adams, C. Allen, Heman Allen, Ashley, Bailey, Bell, Bond, Borden, Briggs, Bunch, John Calhoon, W. B. Calhoun, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Childs, N. H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Cushing, Darlington, Davis, Deberry, Denny, Evans, Everett, Forester, Fowler Fry, Philo C. Fuller, R. Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawes, Hazeltine, Henderson, Heister, Hoar, Hopkins, Howell, Hunt, Ingersoll, W. Jackson, Janes, Jenifer, Joseph Johnson, Henry Johnson, Benjamin Jones, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Luke Lea, Lewis, Lincoln, Logan, Love, Lyon, J. Mann, S. Mason, Maury, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Morgan, Morris, Parker, Patterson, Patton, D. J. Pearce, J. A. Pearce, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Ripley, Robertson, Russell, W. B. Shepard, A. H. Shepperd, Slade, Smith, Spangler, Standefer, Storer, Taliaferro, Underwood, Vinton, Washington, Webster, White, E. Whittlesey, Lewis Williams, S. Williams, Wise—120.

The bill was then made the special order of the day for to-morrow at 12 o'clock and every succeeding day thereafter until disposed of.

Mr. *Thomas*, from the select committee on the District banks, made a report, accompanied by a bill, to extend the charters of certain banks in the District of Columbia from the 4th of March, 1836; which bill was twice read, and, together with the report, ordered to be printed.

Mr. *Hunt*, by general consent, offered the following resolution; which was read:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire whether any member or members of congress have received any accommodation or facilities from any person or persons, bank or banks, in the employment of the government, or not, in obtaining the use of the public money for the purpose of speculating in the purchase of the public lands.

Mr. *Pearce*, of Rhode Island, moved to amend the resolution by embracing the heads of departments, or any officer of the government; which Mr. *Hunt* accepted as a modification.

Mr. *Boon* said he hoped the resolution would be further modified so as to inquire whether any member of congress, &c. had borrowed money from the banks without paying interest for it.

Mr. *Lewis* said he would have no objection to the resolution if there was any ground for a belief that any improper partiality had been exhibited by the deposite banks in their transactions with members of congress; but he was averse to a general exploring expedition. He wanted information on the subject.

Mr. *McKay* took a similar view. The adoption of the resolution amounted to a tacit admission that some members had received accommodations from the deposite banks for the purposes of speculation. This was a grave charge, and ought not to be countenanced without some ground to go upon. He hoped, therefore, that the gentleman would inform the house what was the object of the resolution, and the ground for it.

After some remarks from Mr. *Bouldin*,

Mr. *Hunt* said that every member must have heard rumors, and seen intimations in the public prints, that certain members of congress have had the use of the public funds in their private speculations. He did not pretend to be possessed of any more information on the subject than any other member. He thought some inquiry ought to be made in regard to the matter, and he had therefore submitted the resolution to the disposition of the house.

Mr. *Adams* said he could not vote for this resolution. If this committee was appointed, it must have judicial power, and must be a sort of grand jury; and, in order to examine every member of the house, they must sit during the recess. In fairness and impartiality, they must summon every member before them. After all, what would it amount to? Suppose a member has borrowed money of a bank, with interest or without interest, of what consequence is it? There is nothing in it contrary to law. Suppose it be ascertained that some forty or sixty members have borrowed money of banks to buy lands; a voluminous document, costing some thousands of dollars, would be published to excite public odium against those individuals; and there the matter would end, unless, indeed, the gentleman from New York intended to follow up his motion by moving

the expulsion of such members. He could not see that it would be sufficient cause for expulsion, for nothing was charged in violation of the laws of the land. The house must then be converted into a grand inquest on the subject, and the members accused must appear in their defence at the bar of the house, with their witnesses. Was this a position in which the members of the house wished to be placed towards each other? On the contrary, it was highly desirable that they should entertain towards each other the kindest feelings and respect.

Mr. *Lewis* asked for some specification of the accusation. If there was any ground for it, he wished to know it.

Mr. *Boon* said the banks were established for the public accommodation, and members of congress had a right to borrow money from them and buy lands, as well as others. If any corrupt practices had prevailed, it was a different thing, and an investigation would be proper. But nothing of this kind had been alleged.

Mr. *Pearce*, of R. I. advocated the adoption of the resolution at some length.

Mr. *Speight* said, for his own part, he had no objection to the adoption of the resolution; but, as the time of the house was precious, as it wanted but a few minutes of the hour assigned for the house to take a recess, he moved the previous question, which was seconded.

The main question was ordered to be put, and the resolution was agreed to, without a count.

The select committee was then ordered to consist of five members.

Mr. *Wise* moved to suspend the rules for the purpose of taking up and considering the resolutions heretofore offered by him in relation to the deposite banks and Ruben M. Whitney; and thereupon asked the yeas and nays which were ordered, and, the question being taken, the motion was negatived, ayes 101, nays 59—not two-thirds. It being half past 2 o'clock the house took a recess.

Evening session. After an ineffectual attempt of Mr. *Adams*, (in consequence of a quorum not being present), to obtain leave to offer a resolution directing the clerk of the house to cause to be prepared a copy of the constitutions of the several states of the union, embracing all the amendments thereto adopted, from the declaration of independence till the year 1789, and the transaction of some other business, the house concurred in an amendment of the senate to the bill authorising the secretary of the treasury to act as an agent of the United States in all matters concerning the stock of the government in the bank of the United States.

The resolution of Mr. *Adams* above referred to, was now taken up, a quorum having appeared, and being amended so as to include the constitution of the United States and the articles of confederation, laid upon the table.

The house, in further execution of the special order of the day of the 26th of January, took up the engrossed bill making appropriations for certain fortifications of the United States for the year 1836. The bill was read a third time, and passed.

After settling a question of precedence in relation to certain bills, the house passed to the order of the day and took up the bill amendatory of the act for the continuation of the Cumberland road (to change the location of part of it) which was read a third time; and the question being upon its passage; a debate arose in relation to the proposed change in the route, in which Messrs. *Crane*, *Kennard*, *Pearce*, of R. I. *Boon*, *Mason*, of O. and *Webster* participated. The previous question was called by Mr. *Mann*, but he withdrew it, and the question was taken on the passage of the bill, which was decided in the negative: yeas 79, nays 88. The house then adjourned.

Tuesday, June 21. After the usual morning business and several ineffectual attempts to suspend the rules, with the view to the consideration of business out of its usual order, the house, at 12 o'clock, in pursuance of the special order, adopted yesterday, resolved itself into a committee of the whole on the state of the union, Mr. *Sutherland* in the chair, and proceeded to consider the bill from the senate for "the regulation of the deposites of the public money."

The bill was then read through as published in the present sheet [see page 290.] Mr. *Harrison* moved to amend the first section so as to require the assent of the states to the establishment of agencies. Mr. *Dromgoole* moved to strike out all that part of the first section which relates to the establishment of agencies in the states, lost. Mr. *McKay* moved to strike out the words "as banks of deposite." Lost. Mr. *Vanderpoel* moved to amend the fifth section so as to provide that no bank should be selected as a deposite bank which shall issue any note of less denomination than *ten* dollars. Lost. Several other amendments, of lesser magnitude, were moved and lost.

Mr. *Adams* moved to strike out, in the 8th section, the following words: "or the public money withdrawn therefrom." Lost. Mr. *Williams*, of Kentucky, moved an amendment to the effect that the banks shall pay 4 per cent, interest on the whole amount of the deposites; which was lost. Mr. *Gillett* moved a verbal amendment; which was lost. Mr. *Dromgoole* moved to strike out the 11th section. Lost. Mr. *Mann*, of New York, moved to amend the 13th section of the bill so as to provide that the distribution shall be made in proportion to the representation of the people on this floor; and upon this motion he wished, he said, to be heard. But, at the suggestion of some gentlemen, he, for the present, withdrew it.

Mr. *Anthony* stated to the committee the substance of an amendment of similar import, and said he thought the ratio adopted by the senate wrong, as it violated a fundamental principle of the constitution of the United States which was that representation and taxation should go together; and in his opinion representation and distribution should go together, &c. He then moved as a substitute for the 13th section, the proposition explained by him which is as follows:

Sec. 13. *And be it further enacted*, That the money which shall be in the treasury of the United States on the first day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with such of the several states, in proportion to their respective representations in the senate and house of representatives of the United States, as shall by law authorise their treasurer, or other competent authorities, to receive the same on the terms hereinafter specified; and the secretary of the treasury shall deliver the same to such treasurer, or other competent authorities, on receiving certificates of deposite therefor, signed by such competent authorities, in such form as may be prescribed by the secretary aforesaid, which certificates shall express the usual and legal obligations of common depositories of the public money, for the safe keeping and repayment thereof, and shall pledge the faith of the states receiving the same to pay the said moneys and every part thereof, from time to time, whenever the same shall be required by the secretary of the treasury, for the purpose of defraying any wants of the public treasury beyond the amount of the five millions aforesaid:

Provided, That if any state declines to receive its proportion of the surplus aforesaid, on the terms before named, the same may, at the discretion of the secretary of the treasury, be deposited with the other states agreeing to accept the same on deposite.

And provided further, That when said money, or any part thereof, shall be wanted by said secretary to meet appropriations made by law, the same shall be called for in ratable proportions, within one year, as nearly as conveniently may be, from the different states, with which the same is deposited, and shall not be called for in sums exceeding ten thousand dollars, from any one state in any one month, without previous notice of thirty days for every additional sum of twenty thousand dollars, which may be required.

Mr. *Speight* said he had heard it remarked that the amendment was proposed with the view of defeating the bill; but he assured the house it was offered in good faith and meant to obviate the objections of many members to the bill—and if adopted, would receive their votes.

Mr. *Hardin* said, as the bill now stands, all states having ten members and under, will be gainers by the bill. The states having ten members will, by the bill, receive one dollar and a half per head; if the amendment is made, all states having eleven members will have two dollars and a quarter per head. There were, he said, eighteen states having under ten members, and ten having over eleven members; and he thought the alteration would operate hardly upon some of the small states. After some observations upon the operation of the bill upon particular states, he thought it would, on the whole, operate as equally as any thing that could be devised. He had no great objection to the amendment, but he thought it better to take the original bill.

Mr. *Pearce*, of R. I. was in favor of the amendment, which he thought would prevent stock-jobbing in case the stock should be offered for sale by the secretary of the treasury. He referred to the amendment as respected the exclusion of the senatorial representation. He said, the small states did not, in the house, stand upon an equal advantage, but in the senate they had the greater power, numbering fifteen to nine in the representation; and if this provision had been made, as was right, with a view to the advantage of the small states, then it was not to be supposed they would give it up without discussion, and perhaps the bill would be lost, which he considered a much greater evil than the inequality of distribution. He then went into an examination of the effect of the bill and the amendment upon several states, and thought it more proper to make the distribution upon federal numbers, according to the census of 1830. He thought, also, if some apparent injustice would be done to the large states by the original bill, still more would be done to the small states by adopting a different course.

Mr. *Pearce* gave way to permit Mr. *Anthony* to restore the words "senate and," so as to remove the objection that had been made. Mr. P. then took his seat. After some remarks from Mr. *Miller* in favor of the proposition, Mr. *Vinton* moved to amend the amendment, so as to provide that the money should be called for by the treasurer, only "for want of other money in the treasury." Mr. *Lewis* was opposed to the amendment proposed by the gentleman from Ohio (Mr. *Vinton*) because he thought the original amendment sufficiently strong. The question was then taken and the amendment lost. Mr. *Mason*, of Va. and Mr. *Galbraith* both spoke in favor of Mr. *Anthony's* amendment—when Mr. *Mercer* moved an amendment to the amendment, in order to provide for distribution in proportion to federal numbers, according to the last census. Lost. Mr. *Mann*, of New York, said he felt it his imperious duty to oppose some of the provisions of the amendment. He held the principle of compromise in high respect, but he would not compromise the priciples of the constitution. What were we about to do? To rack and destroy the principles of our confederation, and to consolidate the powers of the government. The amendment was even more favorable to the states than the original

proposition, for it gave the money, on deposite, without interest. Mr. *Patton* was unable to see any difference, in principle, between the amendment and the section as it stood in the bill, and would vote for the bill, even if the amendment was adopted. Mr. *Vanderpoel* would vote for the amendment, but not for the bill—but as it would undoubtedly pass, he would rather have it in the form proposed by the amendment. Mr. *Adams* took the floor; but it being half past two o'clock, the committee rose and the house took a recess until four o'clock.

Evening session. The deposite bill (from the senate) being still under consideration, the question being the motion proposed by Mr. *Anthony* to substitute his proposition for the 13th section of the bill, and Mr. *Anthony* having modified his proposition so as to retain the rates of distribution proposed by the senate, after a debate in which Messrs. *Adams*, *Granger*, *Speight* and *Wise* took part, Mr. *Jarvis* moved to amend the amendment by inserting after the words "United States," the word "unappropriated." Lost. Mr. *Anthony*, at the suggestion of Mr. *Briggs*, modified his amendment by inserting the words "to pledge the faith of the state for the safe keeping thereof."

After a few words from Messrs. *Wise* and *Love*, Mr. *Anthony's* amendment, as modified, was adopted—yeas 123, nays 50.

Mr. *Adams* moved to strike out the first clause of the eighth section, and supported the motion with some remarks. Lost. Mr. *Mann*, of New York, moved to strike out the words "and senate" from the section as amended, so as to cause the surplus to be distributed according to federal numbers.

Mr. *Mann* went on to speak, with great earnestness, in support of his motion to amend; but he finally withdrew the motion, at the request of Mr. *Mercer* and others, and gave notice that he would renew it in the house. Mr. *Ripley* moved to amend the bill by adding to it sections regulating the management of the public lands, and providing that the land sales be suspended for five years.

The chair decided that the motion was out of order, it being inconsistent with the bill. Mr. *Ripley* explained the object he desired to accomplish by the amendment, and then appealed from the decision of the chair. Mr. *Cambreleng* briefly supported the appeal; when the question was taken and the decision sustained. Mr. *Rencher* submitted an amendment, which he supported by a few remarks. Mr. *McKay* said that the house had just passed a bill placing the whole power of the government, in relation to the government bank stock, in the hands of the secretary of the treasury. There was, therefore, no necessity for the amendment. The stock would be sold and distributed of course. The amendment was rejected. Mr. *Doubleday* arose for the purpose of addressing the house, but after he had made some progress, such was the confusion of the house that his voice became utterly inaudible. He was, however, understood to be in favor of the bill. Mr. *Dromgoole* moved to strike out the 13th, 14th, and 15th sections of the bill. Lost. Mr. *Ash* moved to amend the bill by inserting a clause providing that the states should appropriate a portion of the sum deposited with them to the purposes of education. Lost. The committee rose, and reported the bill, with the amendment, at a quarter after 6 o'clock. Mr. *Mercer* moved to amend the 13th section by striking out the words "in proportion to their representation in the house and senate," and inserting the words "in proportion to their federal population, according to the census of 1830." Mr. *Vinton* argued against the bill, which he said was partial in its operation, and that Ohio, under its provisions, would lose something like twelve and a half per cent. of her full proportion. Mr. *Lane* made an earnest and warm reply to the remarks of the gentleman from Ohio last up, and contended that, even upon the senate's plan of distribution, the states of Illinois, Indiana and Missouri would lose much of the proper porportion of the surplus due to their greatly increased and increasing population. Mr. *Mercer* signified an intention to move to amend by allowing the new states ten per cent. in addition to their distributive share. Mr. *Mann*, of New York, then sent to the chair a similar proposition, which he said he had intended to offer; and Mr. *Mercer* accepted it as a modification of his proposition. Mr. *Lewis*, of Alabama, thanked the gentleman from New York for his amendment; but, though it rendered the bill better for the new states, he warned the gentlemen that they would lose the bill if they undertook greatly to amend it. He believed that the mode of distribution adopted was as fair as any that could be devised; and, even if Rhode Island and Delaware gained a little by it, it was but a small objection. Mr. *Adams* said that the bill, as it stood, was, he believed, as fair as any that could be adopted by the house. Mr. *Ashley* was, he said, in favor of sticking to the bill as it stood. Mr. *Johnson*, of La. expressed the same sentiment. The question was taken by yeas and nays on the motion to amend, offered by Mr. *Mercer*, and decided in the negative—yeas 88, nays 120.

The question being on concurring with the committee of the whole in their amendment, adopting a substitute for the 13th section, the yeas and nays were ordered. Mr. *Parks* said as he intended to vote against the amendment and against the bill, he felt it due to himself to offer a few words in explanation of his views, and was proceeding to express them, when he was compelled to refrain by the extreme confusion that prevailed.

Mr. *Gillett* said he wished to move an amendment. [Loud cries of "no," "no." and "question" "question."] Mr. *Gillett* stated his motion to be, to add, after the words "five millions" reserved, the words "over and above all unexpended balances of appropriation." The amendment was rejected by acclamation. The question being taken on concurrence in the amendment of the committee of the whole, inserting Mr. *Anthony's* substitute for the 13th section, it was decided in the affirmative—yeas 142, nays 67.

Mr. *Hawes*. Mr. Speaker, I now move the previous question. [The time was seven o'clock P. M.] The *speaker* said the previous question was on the engrossment of the amendment, and ordering the bill to a third reading. Mr. *Lane* hoped, he said, that the house would not urge the previous question to-night. The motion was seconded—87 to 72. Mr. *Rencher* asked the yeas and nays on the question "Shall the main question be now put?" Refused. Mr. *Hopkins* moved to reconsider the vote by which the previous question was seconded. Lost—88 to 93.

Mr. *Pierce*, of New Hampshire, moved an adjournment. There had been, he said, important amendments made to the bill, and he wished to examine it in print. If the question was pressed to night, he would be compelled to vote against the bill. He, therefore, moved an adjournment; which was rejected.

The main question on ordering the bill to a third reading having been ordered to be put,

Mr. *Granger* called for the yeas and nays, and they were ordered. The question was then taken, and decided, as follows:

YEAS—Messrs. Adams, Chilton Allan, H. Allen, Anthony, Ashley, Bailey, Bell, Bockee, Bond, Boon, Borden, Boyd, Briggs, Buchanan, Bunch, Bynum, J. Calhoon, W. B. Calhoun, Carr, Carter, Casey, J. Chambers, Chaney, Chapman, Chapin, Childs, N. H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Crane, Cramer, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Evans, Everett, Forester, Fowler, French, Fry, Philo C. Fuller, Galbraith, J. Garland, Rice Garland, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hannegan, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, A. G. Harrison, Hawes, Hawkins, Hazeltine, Henderson, Heister, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntsman, Ingersoll, Ingham, W. Jackson, J. Jackson, Janes, Jenifer, J. Johnson, R. M. Johnson, Henry Johnson, J. W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Thos. Lee, L. Lea, Leonard, Lewis, Lincoln, Logan, Love, Lucas, Lyon, Job Mann, Martin, Moses Mason, Sampson Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Patterson, Patton, D. J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Robertson, Russell, Seymour, A. H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliaferro, J. Thomson, Toucey, Underwood, Vinton, Wagener, Washington, Webster, White, E. Whittlesey, Thomas T. Whittlesey, L. Williams, S. Williams—163.

NAYS—Messrs. Ash, Barton, Beale, Bean, Beaumont, Brown, Burns, Cambreleng, J. F. H. Claiborne, Coles, Cushman, Dromgoole, Fairfield, Wm. K. Fuller, Gillett, Joseph Hall, Hamer, Huntington, Jarvis, C. Johnson, Lansing, Joshua Lee, Loyall, Abija Mann, John Y. Mason, William Mason, McKay, McKeon, McKim, McLene, Page, Parks, F. Pierce, Roane, Rogers, Sickles, Taylor, Thomas, Vanderpoel, Ward, Wardwell, Weeks, Wise—43.

So the bill was passed to a third reading.

The bill was then ordered to be read a third time, *immediately*.

A motion was made to adjourn, and lost.

The bill was then read a third time; and the question being on its passage, Mr. *Loyall* called for the yeas and nays, which were ordered, and taken, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bell, Bockee, Bond, Boon, Borden, Bovee, Boyd, Briggs, Bunch, Bynum, John Calhoon, William B. Calhoun, Carr, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cramer, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Evans, Everett, Forester, Fowler, French, Fry, Philo C. Fuller, Galbraith, James Garland, Rice Garland, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Hazletine, Henderson, Heister, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jenifer, Joseph Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Love, Lyon, Job Mann, Martin, Moses Mason, Sampson Mason, May, McCarty, McComas, McKennan, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Parker, Patterson, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Phillips, Pickens, Potts, Reed, Rencher, Joseph Reynolds, Ripley, Robertson, Russell, Augustine H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliaferro, John Thomson, Toucey, Underwood, Vinton, Wagener, Washington, Webster, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, S. Williams—155.

NAYS—Messrs. Ash, Beale, Bean, Beaumont, Brown, Burns, John F. H. Claiborne, Coles, Cushman, Droomgoole, Fairfield, William K. Fuller, Gillett, Joseph Hall, Hamer, Jarvis, Cave Johnson, Lansing, Gideon Lee, Loyall, Abijah

Mann, John Y. Mason, McKay, McKeon, McKim, Parks, Franklin Pierce, Pinckney, Roane, Rogers, Sickles, Taylor, Thomas, Turrill, Vanderpool, Ward, Wardwell, Wise—38.

So the bill was passed, with an amendment, and ordered to be returned to the senate for concurrence in the amendment.

The house then adjourned, (it being 9 o'clock P. M.)

Wednesday, June 22. Considerable time was spent in discussing and settling the priority of business.

Mr. *Adams* presented the protest of certain Cherokee chiefs against the treaty lately promulgated as having been made with that nation; which was referred to the committee of the whole that has a bill upon that subject under consideration.

The amendments of the senate to the bill to reorganize the post office were read, and referred to the post office committee.

The remainder of the day, after the morning business, was spent in the discussion of the bill making additional appropriations for the Delaware breakwater, and for other ports and harbors. [Particulars in our next.]

Thursday, June 23. The hour was consumed in the usual morning business, and in the consideration of the senate's amendments to the bill to change the organization of the post office department. The house then went into committee of the whole, and considered the bill making appropriations for certain harbors, &c. which occupied its attention until the hour of recess. Details hereafter.

PUBLIC REVENUE.

The following is the bill to regulate the deposites of the public money as it passed the senate on Saturday last. To the amendment of the house, in which the senate concurred, see page 288.

A bill to regulate the deposites of the public money.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That it shall be the duty of the secretary of the treasury to select, as soon as may be practicable, and employ as the depositories of the money of the United States, such of the banks incorporated by the several states, by congress for the District of Columbia, or by the legislative councils of the respective territories for those territories, as may be located at, adjacent or convenient to, the points or places at which the revenues may be collected or disbursed. And in those states, territories or districts, in which there are no banks, or in which no bank can be employed as a deposite bank, and within which the public collections or disbursements require a depository, the said secretary may make arrangements with a bank, or banks, in some other state, territory or district, to establish an agency, or agencies, in the states, territories or districts, so destitute of banks, as banks of deposite; and to receive through such agencies such deposites of the public money as may be directed to be made at the points designated, and to make such disbursements as the public service may require at those points; the duties and liabilities of every bank thus establishing any such agency to be the same in respect to its agency as are the duties and liabilities of deposite banks generally under the provisions of this act: *Provided,* That at least one such bank shall be selected in each state and territory, if any can be found in each state and territory willing to be employed as depositories of the public money, upon the terms and conditions hereinafter prescribed, and continue to conform thereto: that the secretary of the treasury shall not suffer to remain in any deposite bank an amount of the public moneys more than equal to three-fourths of the amount of its capital stock actually paid in for a longer time than may be necessary to enable him to make the transfers required by the twelfth section of this act; and that the banks so selected, shall be, in his opinion, safe depositories of the public money, and shall be willing to undertake to do and perform the several duties and services, and to conform to the several conditions prescribed by this act.

Sec. 2. *And be it further enacted,* That if, at any point or place at which the public revenue may be collected, there shall be no bank located which, in the opinion of the secretary of the treasury, is in a safe condition, or where all the banks at such point or place shall fail or refuse to be employed as depositories of the public money of the United States, or to comply with the conditions prescribed by this act, or where such banks shall not have sufficient capital to become depositories of the whole amount of moneys collected at such point or place, he shall and may order and direct the public money collected at such point or place, to be deposited in a bank or banks in the same state, or in some one or more of the adjacent states, upon the terms and conditions hereinafter prescribed: *Provided,* That nothing in this act contained shall be so construed as to prevent congress at any time from passing any law for the removal of the public money from any of the said banks, or from changing the terms of deposite, or to prevent the said banks at any time from declining any longer to be the depositories of the public money, upon paying over, or tendering to pay, the whole amount of public moneys on hand, according to the terms of its agreement with the said secretary.

Sec. 3. *And be it further enacted,* That no bank shall hereafter be selected and employed by the secretary of the treasury as a depository of the public money, until such banks shall have first furnished to the said secretary a statement of its condition and business, a list of its directors, the current price of its stock; and, also, a copy of its charter; and, likewise, such other information as may be necessary to enable him to judge of the safety of its condition.

Sec. 4. *And be it further enacted,* That the said banks, before they shall be employed as the depositories of the public money, shall agree to receive the same upon the following terms and conditions, viz:

First. Each bank shall furnish to the secretary of the treasury, from time to time, as often as he may require, not exceeding once a week, statements setting forth its condition and business, as prescribed in the foregoing section of this act, except that such statements need not, unless requested by said secretary, contain a list of the directors, or a copy of the charter. And the said banks shall furnish to the secretary of the treasury, and to the treasurer of the United States, a weekly statement of the condition of his account upon their books. And the secretary of the treasury shall have the right, by himself, or an agent appointed for that purpose, to inspect such general accounts in the books of the bank as shall relate to the said statements: *Provided,* That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Secondly. To credit as specie all sums deposited therein to the credit of the treasurer of the United States, and to pay all checks, warrants, drafts, drawn on such deposites, in specie, if required by the holder thereof.

Thirdly. To give, whenever required by the secretary of the treasury, the necessary facilities for transferring the public funds from place to place, within the United States and the territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange.

Fourthly. To render to the government of the United States all the duties and services heretofore required by law to be performed by the late bank of the United States and its several branches as offices.

Sec. 5. *And be it further enacted,* That no bank shall be selected or continued as a place of deposite of the public money which shall not redeem its notes and bills on demand in specie; nor shall any bank be selected or continued as aforesaid, which shall, after the fourth of July, in the year one thousand eight hundred and thirty-six, issue or pay out any note or bill of a less denomination than five dollars; nor shall the notes or bills of any bank be received in payment of any debt due to the United States, which shall, after the said fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars.

Sec. 6. *And be it further enacted,* That the secretary of the treasury shall be, and he is hereby, authorised, and it shall be his duty, whenever in his judgment the same shall be necessary or proper, to require of any bank so selected and employed as aforesaid, collateral or additional securities for the safe keeping of public moneys deposited therein, and the faithful performance of the duties required by this act.

Sec. 7. *And be it further enacted,* That it shall be lawful for the secretary of the treasury to enter into contracts in the name and for and on behalf of the United States, with the said banks so selected or employed, whereby the said banks shall stipulate to do and perform the several duties and services prescribed by this act.

Sec. 8. *And be it further enacted,* That no bank which shall be selected or employed as the place of deposite of the public money shall be discontinued as such depository, or the public money withdrawn therefrom, except for the causes hereinafter mentioned: that is to say, if at any time, any one of said banks shall fail or refuse to perform any of said duties or services as prescribed by this act, and stipulated to be performed by its contract; or, if any of said banks shall, at any time, refuse to pay its own notes in specie if demanded, or shall fail to keep in its vaults such an amount of specie as shall be required by the secretary of the treasury, and shall be, in his opinion, necessary to render the said bank a safe depository of the public moneys, having due regard to the nature of the business transacted by the bank; in any and every such case it shall be the duty of the secretary of the treasury to discontinue any such bank as a depository, and withdraw from it the public moneys which it may hold on deposite at the time of such discontinuance. And in case of the discontinuance of any of said banks, it shall be the duty of the secretary of the treasury to report to congress immediately, if in session, and, if not in session, then at the commencement of its next session, the facts and reasons which have induced such discontinuance. And in case of the discontinuance of any of said banks as a place of deposite of the public money for any of the causes hereinbefore provided, it shall be lawful for the secretary of the treasury to deposite the money thus withdrawn in some other banks of deposite already selected, or to select some other bank as a place of deposite, upon the terms and conditions prescribed by this act. And in default of any bank to receive such deposite, the money thus withdrawn shall be kept by the treasurer of the United States, according to the laws now in force, and shall be subject to be disbursed according to law.

Sec. 9. *And be it further enacted,* That until the secretary of the treasury shall have selected and employed the said banks as places of deposite of the public money, in conformity to the provisions of this act, the several state and District banks at present employed as depositories of the money of the United States shall continue to be depositories aforesaid, upon the terms and conditions upon which they have been so employed.

Sec. 10. *And be it further enacted,* That it shall be the duty of the secretary of the treasury to lay before congress, at the

commencement of each annual session, a statement of the number and names of the banks employed as depositories of the public money, and of their condition, and the amount of public money deposited in each, as shown by their returns at the treasury; and if the selection of any bank as a depository of the public money be made by the secretary of the treasury while congress is in session, he shall immediately report the name and condition of such bank to congress; and if any such selection shall be made during the recess of congress, he shall report the same to congress during the first week of its next session.

Sec. 11. *And be it further enacted*, That whenever the amount of public deposites to the credit of the treasurer of the United States in any bank shall, for a whole quarter of a year, exceed the one-fourth part of the amount of the capital stock of such bank actually paid in, the banks shall allow and pay to the United States, for the use of the excess of the deposites over the one-fourth part of its capital, an interest at the rate of two per centum per annum, to be calculated, for each quarter, upon the average excesses of the quarter, and it shall be the duty of the secretary of the treasury, at the close of each quarter, to cause the amounts on deposite in each deposite bank for the quarter, to be examined and ascertained, and to see that all sums of interest accruing under the provisions of this section are, by the banks respectively, passed to the credit of the treasurer of the United States in his accounts with the respective banks.

Sec. 12. *And be it further enacted*, That all warrants or orders for the purpose of transferring the public funds from the banks in which they now are, or may hereafter be, deposited, to other banks, whether of deposite or not, for the purpose of accommodating the banks to which the transfer may be made, or to sustain their credit, or for any other purpose whatever, except it be to facilitate the public disbursements, and to comply with the provisions of this act, be, and the same are hereby, prohibited and declared to be illegal; and in cases where transfers shall be required for purposes of equalization under the provisions of this act, in consequence of too great an accumulation of deposites in any bank, such transfers shall be made to the nearest deposite banks which are considered safe and secure, and which can receive the moneys to be transferred under the limitations in this act imposed: *Provided*, That it may be lawful for the president of the United States to direct transfers of the public money to be made, from time to time, to the mint and branch mints of the United States for supplying metal for coinage.

Sec. 13. *And be it further enacted*, That the money which shall be in the treasury of the United States on the first day of January, eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with the several states, in proportion to their respective representation in the senate and house of representatives of the congress of the United States; and the secretary of the treasury shall deliver the same to such persons as the several states may authorise to receive it, on receiving certificates of deposite, signed by the competent authorities of each state, each for such amount and in such form as the secretary of the treasury may prescribe, which shall set forth and express the obligation of the state to pay the amount thereof to the United States, or their assigns; and which said certificates it shall be competent for the secretary of the treasury, in the name and behalf of the United States, to sell and assign, whenever it shall be necessary, for want of other money in the treasury to meet appropriations made by congress, all sales and assignments, however, to be ratable, and in just and equal proportions, among all the states, according to the amounts received by them respectively; and all such certificates of deposite shall be subject to, and shall bear an interest of five per centum per annum, payable half-yearly, from the time of such sale and assignment, and shall be redeemable at the pleasure of the states issuing the same.

Sec. 14. *And be it further enacted*, That the said deposites shall be made with the states in the following proportions, and at the following times, viz. One quarter part on the first day of January, eighteen hundred and thirty-seven, or as soon thereafter as may be; one quarter part on the first day of April; one quarter part on the first day of July; and one quarter part on the first day of October, all in the same year.

Sec. 15. *And be it further enacted*, That to enable the secrerary of the treasury to carry into effect the provisions of this act, he be authorised to appoint three additional clerks for his department; the one at a salary of one thousand six hundred dollars per annum; and the remaining two at a salary of one thousand dollars each; and to pay the said clerks quarter-yearly, out of any money in the treasury not otherwise appropriated.

PENNSYLVANIA LEGISLATURE.

The legislature of Pennsylvania terminated its extra session by adjournment last week.

Before the close of the session, the following resolutions were introduced in the senate by Mr. *Penrose*, and passed that body by the votes annexed to the end of each of them:

Resolutions relative to the distribution of the surplus revenue of the United States.

Whereas it is an incumbent duty constantly to guard the liberties of the people, and our free institutions of government acquired for us by the valor and virtue of our revolutionary fathers, from the encroachment of power common to all governments: *and whereas* the immediate representatives of the people are bound to warn them of approaching danger, and to endeavor to avert it from them:

Resolved by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, That this assembly will maintain and defend the constitution of the United States, the rights of the states, and the integrity of the union, and that it solemnly expresses its devotion to that union, and its conviction that it can be preserved only by opposing every violation of the principles upon which it is based—[yeas 29, nays 1.]

That the powers of the federal government are defined by a written constitution, and are specifically enumerated. No power can be rightly claimed for or be exercised by it that is not expressly given, and the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people—[yeas 28, nays 2.]

Any attempt by the federal government, or those who administer it, to encroach upon, overawe, interfere with, or control the states in the exercise of their reserved rights, or to extend the power of the federal government beyond the limits expressly prescribed by the constitution of the United States, is a usurpation and infraction of those principles which constitute the only basis of our union, and must be dangerous and fatal in its consequences—[yeas 20, nays 12.]

That this general assembly views with profound regret the spirit manifested to enlarge the powers of the general government, and to wield those which are conferred to obtain an influence over the states to interfere with the domestic policy of the state governments, to overawe and control them in the free exercise of their reserved rights, and so to consolidate the states, by degrees, into one sovereignty, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute, or, at best a mixed monarchy—[yeas 20, nays 12.]

That this general assembly consider the proposition lately made in the congress of the United States to invest the surplus revenue of the nation in stocks issued by the states, as a measure fraught with danger, calculated to give to the federal government a power which, if wielded by corrupt hands, would be inimical to the liberties of the country in an eminent degree, and, under all circumstances, injurious. It may be properly characterized as one of those measures "in fiscal systems and arrangements which keep a host of commercial and wealthy individuals embodied, and obedient to the mandates of the treasury;" and it would give to the federal government a decided influence in the councils of such states as it might be thought expedient to win to its purposes. It would foster and encourage a system of gambling and speculation in stocks, giving to the agents of the government the opportunity of employing the public money to promote private interests, to reward corrupt favorites, and acquire an interest among the community, leading to servile devotion to those clothed with the power of the general government—[yeas 20, nays 12.]

If to this be added an increase of the standing army and navy beyond the necessities of the country, which will on one hand enlist the tendency of man to pay homage to his fellow-creature who can feed and honor him, and, on the other, employ the principle of fear, by punishing imaginary insurrections under the pretext of preventive justice; and if we further have enormous expenditures of the public treasure in the construction of fortifications necessary in a country where the government must keep the people in subjection, but here only to be tolerated, at points essential to defence from foreign foes; and if, in this course of policy, swarms of officers, civil and military, are required who can inculcate political tenets tending to consolidation and monarchy, both by indulgences and severities, and can act as spies over the free exercise of human rights; if all these measures are at once pursued by the general government, we may well fear the tendencies to consolidation, and warn the people of approaching danger—[yeas 20, nays 12—Therefore,

Resolved, That our senators in congress be instructed, and our representatives requested, to vote against any bill for investing the surplus revenue of the United States in stocks issued or authorised by the respective states, believing that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several states—yeas 20, nays 11.]

Resolved, That copies of the foregoing resolutions be transmitted by the governor to each of the senators and representatives in congress, to be laid before the senate and house of representatives of the United States.

These resolves, after passing the senate, passed the house of representatives by a vote of 56 to 11.

THE CROPS.

From the Philadelphia National Gazette.

The following is extracted from the Commercial List and Philadelphia Price Current of Saturday the 11th inst. Later advices than could have been possessed by the editor of the Price Current, at the date his remarks were composed, mention further advances in wheat, &c. in the English corn markets.

The coming crops—From various parts of the country it is now ascertained, that the wheat crop has sustained considerable injury, and in some places it has been nearly destroyed by the fly. From our various correspondents we learn that the

prospect is also quite unfavorable for an average crop of rye and corn. In some sections the grub worm has been very destructive.

Late advices from Liverpool state that the spring has so far been cold and backward, and that prices of grain are creeping up a little. There is also a decided diminution in the quantity of wheat sown, oats and barley having paid the farmer much better during the last two years. English wheat is quoted 7 to 8s.; Irish 6s. 1d. a 7s. 4d.; American 7s. a 7s. 6d.; Dantzic 7s. 2d. a 7s. 9d. per 70 lbs.

From Dauphin and Luzerne counties are the annexed accounts:

Dauphin county—From all parts we learn that the wheat crop is going to be lighter than it has been in the remembrance of our oldest citizens. In many parts of this county our farmers will not reap as much as they sowed. This is also the case in the counties adjoining. The wheat crop is gone—nothing can save it, and those who are so fortunate as to have any to dispose of may expect a higher price for it than it has commanded for twenty years, unless our wants are supplied from some distant source. [*Penn. Telegraph.*

Luzerne county. Kingston, June 8. We understand the wheat crops in this section of country, generally, are not promising. The severity of the winter it is said had an unfavorable effect upon wheat, and the insect is now at work in many fields.

A letter from Reading dated 7th June, says: "It has now rained with us 15 days, but as to its benefiting the crop, particularly the wheat it is all idle. I am now confident that there will not be a quarter crop in Berks county."

A second letter says: "The wheat crop is daily becoming worse and worse, the ravages of the fly are very great."

A third letter of the third of June, written by a person a few miles out from Reading, in Berks county, states that in that neighborhood some farmers are ploughing up their wheat fields —some pasturing them, others manuring them, and many purchasing wheat for seed for the ensuing crop.

From Bucks, Montgomery, Lehigh, Northampton, Lancaster, Lebanon, York, Cumberland, and other adjoining counties of Pennsylvania—throughout Maryland, not only in the fertile western counties, but all lower Maryland, both shores of the bay—throughout the rich wheat raising districts of western Virginia, and in lower Virginia south of the James river, the same calamity is to be deplored. What the prospect is in lower Virginia, between the James river and Potomac, we are not informed.

Those acquainted with the history of the Hessian fly need not be informed, that the destruction caused by that insect, which is ascertained to be generally even in those fields which to day promise some yield, has not yet fully developed itself. Time has not permitted its operations to their extent.

Why should this dispensation be concealed or glossed over? Why should expectations of better results to the harvests be made than the existing reality and the known operations of the Hessian fly permit? We fear that the language of the Dauphin county Pennsylvania Telegraph is too true: "The wheat crop is gone, nothing can save it." The injuries it has already sustained would seem to be irretrievable.

The last crop of Indian corn did not, in great part, attain to sufficient maturity to keep—it is daily perishing. The recently planted (and now planting, upon the ploughed up wheat fields), crop of Indian corn exhibit, from all accounts, a very unpromising aspect: and there will, in all probability, be a failure of it, unless the future weather of summer be propitious and protracted—propitious, beyond all experience of our seasons.

That immediate importations of grain to any extent from Europe are not to be expected, is obvious. Prices in this country were declining in April and May. No apprehensions were, until towards the close of May, entertained for the growing harvests. Would any merchant in the United States or in Europe undertake shipments of grain to the United States in the face of declining prices, and of a growing crop, coming to maturity in July—respecting which no apprehensions were expressed, none made public?

Should the alarm now commencing, excite shipments to arrive even late in the autumn, it will be well—it is the best that can be anticipated—for the latest accounts from England forbid the anticipation of any foreign grain being likely to come to this country, until prices here may have approximation to *famine prices.*

The introduction to the paragraph in this paper of yesterday, purporting to be taken from the Pittsburgh Advocate would have been more correct, had it read that in the entire northern, north western and eastern sections of the state of Pennsylvania, the injury sustained from the Hessian fly, the extent of which is not yet fully developed, has been of the most calamitous character.

The first notice of the appearance of the Hessian fly in the Valley of the Mississippi that has appeared, is that published also by us yesterday from Tennessee of the extensive destruction to the wheat crops of that state. It is to be borne in mind that the destruction caused by this insect first is manifested to the south, where the crops mature earliest, and progress northwardly as the maturing of the crops usually progress. The insect may not exist where it is not already known to be, but it is probable that it does exist where as yet it is not acknowledged. So wide spread a dispensation of this nature, as the present is ascertained to be, is not within the memory of man.

The Pittsburgh Advocate may have occasion to alter its representation. From Muncey, Lycoming county, the following appears in the Commercial Herald of this morning. Muncey is among the most fertile parts of the county.

The fly has destroyed the wheat crop in this section of the country. Fields which looked very well a few weeks ago, will not be worth the cutting. The rye fields bid fair for an average crop. The corn looks very bad. Owing to the drought about the time of planting, it did not come up, and the continued rain for eighteen days, which succeeded, caused the replanting, in many instances to rot in the ground.

[*Muncey Telegraph, June* 11.

The Richmond Enquirer of the 10th instant, as quoted in the New York Journal of Commerce of Monday, together with several notices of the Virginia and Maryland wheat crops more or less favorable as to their production, remarks, "in several parts of Pennsylvania and Delaware the crop is unpromising."

This same general observation amounts to absolute misrepresentation, by the idea it conveys to every reader's mind—to convey the truth, the observation ought to be, that throughont the greater part of Pennsylvania, every part yet accurately heard from, and throughout the state of Delaware, including the best cultivated and most productive wheat raising districts in both states, the prospects of the growing crop is of a deficiency thereof of an alarming character.

If our readers will refer to their maps they will better realize the extent of the calamity, than can otherwise be brought to their minds. Pennsylvania, Delaware, Maryland and Virginia, all deficient to an alarming extent.

FLORIDA INDIANS.

In a recent speech in the house of representatives, colonel White, of Florida, gave a sketch of the history of the Florida Indians, the information contained in which is interesting at the present moment. He says that the Florida Indians are the remains of that ancient and warlike tribe called the Natches tribe on the Mississippi, which formerly waged such fierce war with the French, and driven by them from the lower part of the Mississippi, retreated along the northern coast of the Gulf of Mexico, and united with broken bands of Biloxies, Red Sticks and runaway Creeks, called Seminoles. The word Seminole means a wanderer and runaway, and hence, the runaway Creeks being the most numerous, the name of the whole mixed tribe who settled in Florida.

As early as 1784 these Indians entered into a treaty of alliance offensive and defensive with the Spanish government, by which they were incorporated into the Spanish monarchy, with certain reserved rights, depending chiefly on the will of Spain. In this state of things the Floridas were ceded to the United States by the treaty of the 22d February 1819, in which treaty no mention was made in any form of the Indians. In the mean time, however, during the Indian wars in the southern United States after the revolution, their numbers were greatly increased by Creeks who fled from our territory into the then Spanish territory.

When the two provinces of East and West Florida were delivered to the United States by the Spanish commissioners, the white population was confined to the towns of St. Augustine and Pensacola, and the whole region between these two places, one on the Atlantic and the other on the Gulf of Mexico, distant four hundred miles one from the other, was occupied in a manner by these roving savages. What was to be done with the Indians, was the first question of course that presented itself to congress after the session. At that period already they were reduced to great extremities for want of food, game being very scarce, and they being too idle and dissolute to work.

In the beginning of 1823, Mr. Calhoun, the then secretary of war, in answer to a call of the Indian committee, communicated various documents relating to these Indians, among them several letters from gen. Jackson, then governor of Florida.

In one of these letters from gen. Jackson, dated 20th September, 1821, referring to a talk he had had with the head chiefs of the Florida Indians, he says, "They acknowledge that it is just that those who rejected peace when it was offered to them, and fled from their own country, continuing the war, ought to return to their own nation." The president proceeds, "I am of opinion, from the smallness of their numbers, and the shape of the Floridas, that it would be much better policy to move them all up, and amply to provide for them by an annuity."

General Jackson, in a talk to the Indians on the 18th September, 1821, told them, "those who fled from their nation, and joined in the war against us, must return to their country, where their chiefs are willing to receive them. They cannot be permitted to settle all over the Floridas."

The chiefs were satisfied with what was then communicated to them. By a letter subsequently addressed to the secretary of war, he says: "The exposed situation of the Floridas imperiously demands that its frontier upon the coast should be immediately inhabited by white citizens." He states, "the largest portion of the Seminoles are a part of the Creek nation;" and adds, "with what pretence of justice can those who fled from the Creek nation, and kept up an exterminating war on our frontier, until crushed by the arm of our government in 1818, set up such claims!"

The committee on Indian affairs, after examining these documents, reported that in their opinion, the Indians as a nation own no land in Florida, except where it was granted to them

by the Spanish authorities, and that they stood to our government in the relation of domestic dependant communities. This report was concurred in by the house. Congress and the executive at that time were of opinion, that the largest portion of these Indians, being runaway Creeks, should be sent back to the nation to which they belong.

Notwithstanding this opinion and recommendation, the Seminoles were permitted to contract for and obtain possession, by treaty with the United States commissioners, of five millions of land in the peninsula of East Florida. Within a few years after the conclusion of this treaty, the Indians were found actually in a state of starvation, and a large sum was appropriated by government for their relief.

In 1827, in consequence of statements made by the agent of the Seminoles, colonel White was appointed a commissioner to offer them a country of sufficient extent to the west of the Mississippi, with a guarantee of title forever. Being unwilling to go without an examination of the country, nothing was then effected. Three or four years afterwards, the Indians themselves made proposals to enter in a treaty to move west of the Mississippi, and in 1832 a conditional convention was entered into, by which the Seminoles relinquish all claim to the land they held in Florida and agreed within three years to remove from it. When this term expired, they showed reluctance to comply with the terms of the treaty. Our government then told them they must go, or be forced. After remonstrances and petitions, they entered into a new agreement with the commanding general Clinch to fulfil the above treaty, one more year being allowed them to get ready to move.

At the expiration of this term of a year, instead of complying with their promises and pledges, they commenced hostilities against the inhabitants of Florida, laid waste three counties, destroyed more than a million of property, and massacred one hundred United States troops. [*Balt. American.*

OFFICIAL ACCOUNT OF THE TEXIAN VICTORY.

Head quarters of the army, San Jacinto, April 25th, 1836.

To his excellency D. G. Burnett, prest. of the republic of Texas.

SIR: I regret extremely that my situation since the battle of the 21st has been such as to prevent my rendering you my official report of the same, previous to this time.

I have the honor to inform you, that on the evening of the 18th inst. after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg; that evening a courier of the enemy was taken, from whom I learned that general Santa Ana, with one division of his choice troops had marched in the direction of Lynch's ferry on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo Bayou, below Harrisburg, on the morning of the 19th, having left the baggage, the sick, and a sufficient camp guard in the rear. We continued the march throughout the night, making but one halt in the prairie for a short time, and without refreshment. At day-light we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that general Santa Ana was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch's.

The Texian army halted within half a mile of the ferry in some timber, and were engaged in slaughtering beeves, when the army of Santa Ana was discovered to be approaching in battle array, having been encamped at Clopper's point eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took a position with his infantry, and artillery in the centre, occupying an island of timber, his cavalry covering the left flank. The artillery, consisting of one double fortified medium brass twelve pounder then opened on our encampment. The infantry in column advanced with the design of charging our lines, but were repulsed by a discharge of grape and cannister, from our artillery, consisting of two six pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from which an occasional interchange of small arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three quarters of a mile from our encampment, and commenced fortification. A short time before sunset, our mounted men, about eighty-five in number under the special command of colonel Sherman, marched out for the purpose of reconnoitering the enemy. Whilst advancing, they received a volley from the left of the enemy's infantry, and after a sharp rencounter with their cavalry, in which ours acted extremely well, and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded and several horses killed. In the mean time the infantry under the command of lieutenant colonel Millard, and colonel Burleson's regiment, with the artillery, had marched out for the purpose of covering the retreat of the cavalry if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st, at half past three o'clock, taking the first refreshment which they had enjoyed for two days. The enemy in the mean time extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about 5 feet high, constructed of packs and baggage, leaving an opening in the centre of the breastwork in which their artillery was placed, their cavalry upon their left wing.

About nine o'clock on the morning of the 21st, the enemy were reinforced by 500 choice troops under the command of general Cos, increasing their effective force to upwards of 1,500 men; whilst our aggregate force for the field numbered 783. At half past three o'clock in the evening, I ordered the officers of the Texian army to parade their respective commands, having in the mean time ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangements preparatory to the attack, without exposing our designs to the enemy. The first regiment, commanded by colonel Burleson was assigned the centre. The second regiment, under the command of colonel Sherman, formed the left wing of the army. The artillery, under the special command of colonel George W. Hockley, inspector general, was placed on the right of the first regiment, and four companies of infantry, under the command of lieut. colonel Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by colonel Mirabau B. Lamar, (whose gallant and daring conduct on the previous day had attracted the admiration of his comrades, and called him to that station), placed on our extreme right, completed our line. Our cavalry was first despatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and displaying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, and through an open prairie, without any protection whatever for our men. The artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and cannister.

Colonel Sherman with his regiment, having commenced the action upon our left wing, the whole line, at the centre and on the right, advancing in double quick time, rung the war cry, "*Remember the Alamo,*" received the enemy's fire, and advancing within point blank shot before a piece was discharged from our lines. Our line advanced without a halt, until they were in possession of the woodland and the enemy's breastwork. The right wing of Burleson's and the left of Millard's taking possession of the breastwork; our artillery having gallantly charged up within 70 yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action, until we were in possession of the enemy's encampment, taking one piece of cannon, (loaded), four stand of colors all their camp equipage, stores and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before, capt. Karnes, always among the foremost in dangers commanding the pursuers.

The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war clubs, breaking many of them off at the breech. The route commenced at half past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned with their killed and wounded. In the battle, our loss was two killed and twenty-three wounded, six of whom mortally. The enemy's loss was 630 killed, among which was 1 general officer, 4 colonels, 2 lieutenant colonels, 5 captains, 12 lieutenants. Wounded 208, of which were 5 colonels, 3 lieutenant colonels, 2 second lieutenant colonels, 7 captains, one cadet. Prisoners 730—president general Santa Ana, general Cos, 4 colonels, aids to gen. Santa Ana, 6 lieutenant colonels, the private secretary of general Santa Ana, and the colonel of the Guerrero battalion, are included in the number. General Santa Ana was not taken until the 22d, and gen. Cos, on yesterday, very few having escaped.

About 600 muskets, 300 sabres and 200 pistols, have been collected since the action; several hundred mules and horses were taken, and nearly twelve thousand dollars in specie. For several days previous to the action, our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, illy supplied with rations and clothing—yet amid every difficulty they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity—there was no murmuring.

Previous to and during the action my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am assured that they demeaned themselves in such manner as proved them worthy members of the army of San Jacinto. Colonel T. J. Rusk, secretary of war, was on the field. For weeks his services had been highly beneficial to the army, in battle he was on the wing, where col. Sherman's command first encountered and drove the enemy; he bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

I have the honor of transmitting herewith a list of all the officers who were engaged in the action which I respectfully request may be published, as an act of justice to the individuals. For the commanding general to attempt discrimination

as to the conduct of those who commanded, in the action, or those who were commanded, would be impossible. Our success in the action is conclusive proof of their daring intrepidity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph received a lustre from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their general. Nor should we withhold the tribute of our grateful thanks from that being who holds the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader whilst devastating our country. I have the honor to be, with high consideration, your obedient servant, SAMUEL HOUSTON, *commander-in-chief.*

[ARMY ORDERS.]

Head quarters, San Jacinto, May 5th, 1836.

COMRADES: Circumstances connected with the battle of the 21st, render our separation for the present unavoidable. I need not express to you the many painful sensations which that necessity inflicts upon me. I am solaced, however, by the hope, that we will soon be reunited in the great cause of liberty. Brigadier general Rusk is appointed to command the army for the present. I confide in his valor, his patriotism and his wisdom—his conduct in the battle of San Jacinto was sufficient to ensure your confidence and regard.

The enemy, though retreating, are still within the limits of Texas—their situation being known to you, you cannot be taken at surprise. Discipline and subordination will render you invincible—your valor and heroism have proved you unrivalled. Let not contempt for the enemy throw you off your guard. Vigilance is the first duty of a soldier, and glory the proudest reward of his toils.

You have patiently endured privations, hardships and difficulties. Unappalled, you have encountered odds of two to one of the enemy againt you, and borne yourself in the onset and conflict of battle in a manner unknown in the annals of modern warfare. When an enemy to your independence remains in Texas, the work is incomplete; but when liberty is firmly established by your patience and your valor, it will be fame enough to say, "I was a member of the army of San Jacinto."

In taking leave of my brave comrades in arms, I cannot suppress the expression of that pride which I so justly feel in having had the honor to command them in person, nor will I withhold the tribute of warmest admiration and gratitude for the promptness with which my orders were executed, and union maintained throughout the army. At parting my heart embraces you with gratitude and affection.

SAM'L. HOUSTON, *commander-in-chief.*

Head quarters, army of Texas, Harrisburg, May 10, 1836.

To the people of Texas:

The recent victory—a victory unparalled in the history of war—has given us signal advantages over the enemy; advantages which, if they are followed up by a prompt, energetic advance upon him will secure to us and our posterity the blessings of liberty and independence.

The force of our enemy now in Texas amounts to upwards of five thousand men; our army to little over one-tenth of that number are advancing upon them. Information derived from our advance renders it evident that they intend retiring to San Antonio, in order to give us time to do what we have once done before—disband and make the country an easy prey. Have you any confidence in the enemy you are contending with? Can you place confidence in the promises of Santa Ana, the man who could, in violation of a treaty, murder your brethren and friends in La Bahia? Do you expect to secure your liberty and independence by any other means than the strength of your arms and the sure aim of your rifles? I trust not. Then if you would have your country, if you would prevent a recurrence of the tragical scenes of San Antonio and La Bahia, turn out at once, join the army—drive the enemy from your soil, secure your rights and avenge the death of your brethren, whose bleaching bones yet lie on the prairies at La Bahia.

The laws of the land require you to serve your country—your own honor and reputation demand of you, and the laws imposes as a penalty for a failure to do your duty the loss of property and citizenship.

To our friends of the United States I would say, you may be told, as you have before been told, that the war is at an end; that there is no farther need of men. It is not so. The people of Texas, a small number of men, struggling for the sacred principles of human liberty, need your assistance. We present to you one of the most delightful countries on the face of the globe; we offer you the most liberal remuneration in land; we present to you a field where daring and enterprising bravery may measure arms with a *hireling soldiery*, who are warring against the sacred rights of man, and have unhallowed hands in the best blood of the United States. Come, then, to our assistance, let us plant our standard in defiance of the yoke of tyranny, upon the Rio Grande. THOS. J. RUSK,

brig. gen. and commandant of the Texian army.

SKETCH OF SANTA ANA.

Some particulars of this personage, which we have derived from gentlemen intimately acquainted with him, may be interesting to the public.

Santa Ana is about 42 years of age, and was born in the city of Vera Cruz. His father was a Spaniard of old Spain, of respectable standing though poor, his mother was a Mexican. He received a common education, and at the age of 13 or 14 was taken into the military family of the then intendant of Vera Cruz, gen. Davila, who took a great fancy to him and brought him up. He remained with gen. D. until about the year 1820. While with Davila he was made a major, and when installed he took the honors very cooly, and on some of his friends congratulating him he said, "Si mihi ciera dios qui siera estar algo mas." [If you were to make me a God, I should desire to be something greater.] This trait developed at so early a period of his life, indicated the existence of that vaulting ambition which has ever since characterized his life.

After serving the Spanish royal cause until 1821, he left Vera Cruz, turned against his old master and benefactor, and placed himself at the head of some irregular troops which he raised on the sea coast, near Vera Cruz, and which are called Jaroches in their language, and which were denominated by him his Cossacks, as they are all mounted and armed with spears. With this rude cavalry he beseiged Vera Cruz, drove Davila into the castle of San Juan d'Ulloa, and after having been repulsed again entered at a subsequent period, and got entire possession of the city, expelling therefrom the old Spanish troops, and reducing the power of the mother country in Mexico to the walls of the castle.

Subsequent to this Davila is said to have obtained an interview with Santa Ana, and told him he was destined to act a prominent part in the history of his country, and now, says he, I will give you some advice: "Siempre vayis con los muchos," [always go with the strongest party]. He always acted up to this motto until he raised the *grito*, (or cry), in other words took up the cudgels for the friars and church. He then overturned the federal government and established a central despotism, of which the priests and the military were the two privileged orders. His life had been from the first of the most romantic kind, constantly in revolutions, constantly victorious, until the last fatal rencontre.

His manners are extremely affable; he is full of anecdote and humor, and makes himself exceedingly fascinating and agreeable to all who come into his company; he is about 5 feet 10, rather spare, has a moderately high forehead, with black hair, short black whiskers, without mustaches, and an eye large, black, and expressive of a lurking devil in his look; he is a man of genteel and dignified deportment, but of a disposition perfectly heartless, but has never evinced a savageness of character except in the massacres in which he has been implicated in Texas. He married a Spanish lady of property, a native of Alvarado, and through that marriage obtained the first part of his estate called Manga de Clavo, 6 leagues from Vera Cruz. He has three fine children, yet quite young.

The following striking anecdote of Santa Ana illustrates his peculiar quickness and management: during the revolution of 1829, while he was shut up in Oxaca, and surrounded by the government troops, and reduced to the utmost straits for the want of money and provisions, having a very small force, there had been in consequence of the siege and firing every day through the streets, no mass for several weeks. He had no money, and hit upon the following expedient to get it; he took possession of one of the convents got hold of the wardrobe of the friars dressed his officers and some of the soldiers in it, and early in the morning had the bells rung for mass. People delighted at having again an opportunity of adoring the Supreme Being, flocked to the church, where he was and after the house was pretty well filled his friars showed their side arms and bayonets from beneath their cowl; and closed the doors upon the assembled multitudes. At this unexpected denouncement there was a tremendous shrieking, when one of his officers ascended the pulpit and told the people that he wanted $10,000 and must have it. He finally succeeded in getting about $6,500, when he dismissed the congregation.

As a sample of Santa Ana's pious whims we relate the following:

In the same campaign of Oxaca, Santa Ana and his officers were there besieged by Rincon, who commanded the government troops. Santa Ana was in a convent surrounded by a small breastwork. Some of the officers one night to amuse themselves, took the wooden saints out of the church and placed them as sentries, dressed in uniforms, on the breastwork. Rincon alarmed on the morning at this apparent boldness began to fire away at the wooden images, supposing them to be flesh and blood, and it was not until after some of the officers who were not in the secret had implored Santa Ana to prevent this desecration that the firing ceased.

Many similar facts are related of Santa Ana. We have not room at present to say more than there is no man who has filled the space he has that is so little understood. In short, he is all things to all men. He never was out of Mexico, and the likeness exhibited of him in this city bears no resemblance to him.

CIVIL ACTIONS AT BEL-AIR,

Brought by the trustees of the bank of Maryland.

From the Baltimore Gazette of the 18th inst.

The causes were removed from Baltimore county court, where they were instituted, to Harford county court, upon the

affirmations of the several defendants therein, that a fair and impartial trial could *not* be had in that court. The following statements show the results to this period:

The first cause tried was against Thomas Ellicott, of the last term. The following short copy of the judgment shows the result of this case and its present condition—

Harford county court, August term, 1835.

The president and directors of the bank of Maryland, use of John B. Morris, Richard W. Gill and Thomas Ellicott, trustees, *vs.* Thomas Ellicott. } 31st October, 1835. Verdict for plaintiffs for $28,100. Judgment nisi and $1,086 82 costs.

True copy. Test, HENRY DORSEY, *clerk*.

Appeal entered by defendant, 7th December, 1835.

—

The next cause tried was against Poultney, Ellicott & Co. The following short copy shows the verdict in this case—

Harford county court, March term, 1836.

The president and directors of the bank of Maryland, use of John B. Morris, Richard W. Gill and Thomas Ellicott, trustees. *vs.* Samuel Poultney and Wm. M. Ellicott. } 16th June. Verdict for plaintiffs for $34,400.

True copy. Test, HENRY DORSEY, *clerk*.

In this case the plaintiffs have made a motion for a new trial, on the ground that the amount of verdict is less than they are entitled to. This motion is now being argued.

—

The causes against Evan Poultney being called, he confessed the following judgments:

HARFORD COUNTY COURT.

March term, 1836.—*Trials, No.* 147.

The president and directors of the bank of Maryland, *use of* Thomas Ellicott, John B. Morris and R. W. Gill, trustees of the bank of Maryland, *vs.* Evan Poultney.

Judgment for the damages in the declaration to be released on the payment of two hundred and ninety-six thousand five hundred and forty-six dollars and sixty-seven cents with costs, consisting of the principal and interest due on two notes executed by the defendant to the plaintiffs both dated the 31st March, 1834, one payable in nine and one in twelve months, each for one hundred thousand dollars with interest from the 22d March, 1834, and of the further sum of sixty-nine thousand one hundred and eighty dollars, being an item of sixty thousand dollars made by him on six thousand shares of Union bank of Maryland stock, charging himself with the said stock eighty-five dollars a share in his account with the bank of Maryland, and crediting himself in the same account on the same day at ninety-five dollars a share, with interest on the said sixty thousand dollars from the 9th October, 1833—he said defendant having used the said credit for his own benefit.

The said $296,546 67 to bear interest from this date.

(Signed,) R. JOHNSON,
GEO. R. RICHARDSON,
AUG'T. BRADFORD,
JNO. V. L. McMAHON.
attorneys for plaintiffs.

True copy. Test, HENRY DORSEY, *clerk*.

—

HARFORD COUNTY COURT.

March term, 1836.—*Trials No.* 148.

The president and directors of the bank of Maryland, *use of* Thomas Ellicott, J. B. Morris and R. W. Gill, trustees of the bank of Maryland, *vs.* Evan Poultney.

Judgment for the damages in the declaration to be released on payments of costs, and of one hundred and three thousand three hundred and eighty-five dollars and twenty-two cents, with interest from this date, the same consisting of the following items.

1st. Eighty-six thousand five hundred and twelve dollars and fifty cents, being the amount of a certificate of special deposit of the bank of Maryland for seventy-five thousand dollars, dated the 18th day of February, 1833, bearing an interest of 6 per cent. payable out of the earnings *only* of the said bank, and the amount of which principal and interest when there were not only no profits, but when the bank was insolvent, he the said defendant paid himself with the funds of the bank on the 27th of November, 1833, without the knowledge of the directors.

Secondly. Of ten thousand eight hundred and sixty-two dollars and forty-two cents, being the amount of the balance appearing upon defendant's current account with the said bank, to be due by him on the 22d March, 1834, with interest from this date.

Of six thousand and ten dollars and thirty cents, being the amount with interest due by defendant, on his account as Evan Poultney, (banker), with said bank, on 2d December, 1832.

REVERDY JOHNSON,
A. W. BRADFORD,
JOHN V. L. McMAHON,
GEO. R. RICHARDSON,
attorneys for plaintiffs.

True copy. Test, HENRY DORSEY, *clerk*.

Bel-Air, 17th June, 1836.

—

The cause against Philip Poultney was continued on the application of the defendant, and at his cost, in consequence of the absence of a witness.

RECAPITULATION.

Judgment against Thomas Ellicott—from which he has appealed	$28,100 00
Costs	1,086 22
	$29,186 22
Verdict against Poultney, Ellicott & Co. (motion for a new trial)	34,400 00
Judgments against Evan Poultney	399,931 89
Total amount	$463,518 11

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It is understood that the court will adjourn after the argument for a new trial in the case against Poultney, Ellicott & Co. has terminated.

There yet remain to be tried the suit against Philip Poultney, and two suits against E. Poultney upon his notes for $200,000, bearing interest from 22d March, 1834.

TAILORS' COMBINATION TRIAL.

From the Journal of Commerce.

COURT OF OYER TERMINER. Henry Falkner, Wm. Livingston, James Noe, Alexander Hume, Peter Moss, Joshua Busey, Geo. Smith, John Walsh, Daniel S. Gray, Thos. Keating, Thos. Renter, Howel Vane, John Bomberger, Stephen Norris, James S. Magee, Alex. Douglass, John Dillon, Jas. Skillgi, Daniel Rose and Thos. Douglass, were indicted for a riot and conspiracy injurious to trade and commerce.

The court has been occupied several days with the trial of twenty-one journeymen tailors for combination. The circumstances connected with it have already so fully come before the public in the police and other reports connected with the case, that it is not now necessary to give a detailed account of it. It will be remembered that some months back there was a strike for wages amongst a large number of journeymen tailors in this city, and that a certain body, called the Trades' Union society, who undertook to make laws and regulations for the trade, made several rules which they insisted on being observed by the master tailors, and on their refusing to comply with these rules, a number of journeymen left their employment and had recourse to threats and promises and various other modes to prevent journeymen tailors from working for any master tailor who did not conform to the rules, and pay the prices laid down by this association. The charges were fully substantiated by evidence.

The court charged the jury. It had been asserted that the individuals now on their trial could not be convicted of the offence charged against them, as they were already indicted for an assault and battery. This, however, formed no legal objection against putting them on their trial for a conspiracy. It had been decided by the supreme court of this state, that if an individual committed a felony, which was a higher offence than a conspiracy, then the conspiracy became merged in the felony, but where the offences committed by the individual were all of the same grade, as in the present case, the commission of the first offence was no legal bar to his being convicted on the second: therefore, a person having committed another misdemeanor, it can be no bar to his being tried for a conspiracy. Relative to the law which was to govern the deliberation in the case now before them, it had been already settled by the supreme court of this state.

The very question involved in the present case was brought before that court, deliberately considered and unanimously adjudicated on. The case in question came before the supreme court, on appeal from the general sessions of Ontario: the crime charged against them was one under our statute. In the case which the court alluded to, the defendants, with other persons, formed a combination, and conspired to prevent journeymen shoemakers working below certain prices, and made a regulation that any person who made coarse shoes for less than a certain sum per pair, should forfeit one dollar, and that they would not work for any boss who gave less than the price fixed on. A Mr. Lunn, however, procured a person named Pennault to make ten pair of shoes at a less price than the defendants had fixed upon, and for this reason they refused to work for him. Another count in the indictment against the defendants was, that they agreed not to work for any shoemaker who employed Pennault, and they refused to work for Mr. Lunn, and made him discharge Pennault. And this conduct the supreme court unanimously decided was a violation of the statute.

The offence committed by the present defendants, if an offence at all, is against the statute which says that if any man enter into a combination injurious to trade or commerce, that constitutes a conspiracy, but at the same time the act says—"That no agreement, except to commit a felony on the person of another, or to commit arson or burglary, shall be deemed a conspiracy, unless some act, besides such agreement, shall be done to effect the object thereof, by one or more of the parties." If then there is a conspiracy against trade or commerce, and any act in furtherance of it is done by one of the parties, it renders them all guilty.

In criminal cases the jury were judges of the law and the facts; this was their constitutional right; but the court trusted that as a discreet jury they would pay proper respect to the opinions of the highest tribunal of the country, which had

unanimously concurred as to what was the exposition of the act; and the sepreme court had said in a case similar to the present one, that it was a conspiracy and injurious to trade. That opinion had been read for the jury, and, in the mind of the court, was conclusive on the subject; and if it wanted exemplification, let them suppose that a number of persons engaged in the trade or manufactures of this city would from time to time enter into combinations of this sort and determine not to work under certain rates, and carry their resolutions into effect at times when their services were most necessary, what sort of a state would society be reduced to? For instance, suppose all the carpenters and bricklayers would, at the commencement of next May, determine not to work unless their wages were raised, and demand ten times more than they ought, and could succeed in doing so, what would become of the citizens, or who would occupy their houses? Or suppose that the produce of this country bore the highest price in the foreign market, and every one was anxious to export it; and that, at that moment, all the stevedores, shipwrights and other mechanics, whose services were necessary to fit out ships, insisted upon having ten times the value of their services, such conduct must bring commerce to a stand, and would be well calculated to destroy the trade of the city altogether. If such a system was tolerated, the constitutional control over our affairs would pass away from the people at large, and become vested in the hands of conspirators. We should have a new system of government, and our rights be placed at the disposal of a voluntary and self-constituted association. The settled law of the state was, however, as the court had just stated it, and it was to be hoped that the jury, acting discreetly and with a due regard to the well being of society, would not now turn their back upon the supreme court, and say that an offence was lawful, which they declared to be illegal. Before the jury came to such a conclusion, let them well consider the grievous consequences which must result from their doing so. Much pains had been taken to show that this prosecution was a spiteful proceeding between the masters and journeymen. This, however, was but a narrow and partial view of the subject, and not what the legislature had in view when they established a law for the community at large, and if their law could be now set at nought, or rendered imperative, the bad effects would be felt by every member of society.

If the law was as the court stated, the next question would be, were the defendants parties to the indictment, and what was the offence charged against them? Amongst other things charged against them was, that they entered into a conspiracy, and agreed not to work for any master who did not give them certain rates which they demanded, or for any master who employed men that worked for a less rate, or for any master who employed men who were not members of their society. They also made various other rules to secure the objects they had in view, which was to place thereby both the master and journeymen tailors under the domination of a few individuals. It would be for the jury to say, whether any body of men could raise their crests in this land of law, and control others by self organized combinations. This conduct constituted a combination, but it was necessary, according to the statute, that something more than mere agreement should be done. Before the revised statutes were passed, the combination would make the offence, but the legislature has added that, in order to consummate the offence some act must be done by one or more of the parties, in furtherance of their agreement. And on this subject it was perfectly settled, that if a body of men conspire together, and any one of them does an act in pursuance of that conspiracy, that act is to be visited on the whole body, and if the jury were satisfied that the defendants did make an agreement, and that any one of them did an act to carry their agreement into operation, then the offence was consummated. Such was the law, and how stood the facts?

The court then summed up the leading facts of the case.

It was unnecessary for the court to state more. It would be insulting the understanding of the jury to suppose they could imagine for one moment, that the prisoners had not taken measures to carry their combination into effect; and if they did form a combination, and take measures to carry it into effect, and that the law was as the supreme court decided it, then the prisoners were indubitably guilty.

The combination had been of so extensive a character, and created so great an excitement, that it might possibly have involved some persons for whom the jury might directly or indirectly feel some interest—but the court and jury must raise themselves above all feelings of friendship or sympathy, and be true to their oaths, and the well being of the public at large; and it was impossible that the acts of the defendants could escape with impunity, unless the court and jury violate their duty in order to take them out of the operation of the law. The court would again impress upon the minds of the jury that the present question was not to be considered a mere struggle between the masters and journeymen. It was one on which the harmony of the whole community depended. Let these societies only arise from time to time, and they would at last extend to every trade in this city, and we should have as many governments as there were societies. There was no necessity for such societies, and in the end they might operate against the very individuals who belonged to them. Many of these journeymen might themselves become masters, and the combinations which they now formed might hereafter mar their own interests. But the law does not view it as a mere question between master and men alone; it looks upon it as a question involving the interests of the entire community, and of every man who wants to live by the produce of his labor.

The jury retired for a short time, and returned a verdict of guilty against all the defendants. Counsel for the prisoners made a motion for time to put in exceptions to the charge; but the court stated its determination to sentence the prisoners on Monday next.

Counsel for the people, Messrs. Phenix, N. B. Blunt and Morris. For the prisoners, Messrs. Western and Whiting.

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SENTENCE OF THE COURT.

From the New York Commercial Advertiser, June 11.

This being the day appointed by the court of oyer and terminer for pronouncing sentence on the journeymen tailors, convicted for conspiracy, before ten o'clock a considerable number of persons, apparently mechanics, assembled before the door of the court room, and in the passages of the hall. The numbers continued to increase, although not rapidly, until five minutes past eleven, at which time the doors were opened, and twenty-five minutes to twelve, the court made its appearance, consisting of judge Edwards, and alderman Banks, Benson, Ingraham and Randall. The spectators, whose number amounted perhaps to three or four hundred, were perfectly quiet and evidently disposed to create or countenance no disturbance. An efficient force of officers was, however, very properly in attendance.

The defendants were called as follows:—Henry Faulkner, Wm. Livingston, Jas. Noe, Alexander Hume, Peter Moss, Joshua Busey, George Smith, Jno. Welsh, David S. Gray, Thos. Keating, Thos. Renton, Howell Vail, John Bomberger, Stephen Norris, Jas. S. Magee, Alexander Douglass, Jonathan Delong, Jas. Skillen, Dan'l Rose and Thos. Douglass. All answered.

Mr. Western rose and said the right of defendants to move an arrest of judgment was unquestionable. It had been held that an objection in arrest of judgment could not avail, in the appellate court, because not raised in the court below. For this reason, he would now state his objections.

1. That no substantial offence appears on the face of the indictment.

2. That even if such an offence is charged, yet the evidence does not bring any one of defendants within the penalty of the law, under the indictment and the opinion of judge Savage.

3. That the judge, by his charge, took from the jury both law and fact.

He stated these objections, asking the court to reserve them for the benefit of the defendants, ruling as it should think proper.

Mr. Whiting also urged that the exceptions taken in the progress of the trial, should be reserved for the benefit of the defendants. He asked the court to suspend the sentence until the bill of exceptions can be disposed of, because, if passed the defendants would have no means of escaping the infliction of the penalty, although the judgment may be reversed on the writ of error. The bill of exceptions is taken in good faith, and will be brought to a decision as soon as possible.

Mr. Western said the conspiracy in this case, if there was one, was not against the public peace, but against thirty or forty master tailors, and read a case in which lord Ellenborough gave his opinion that persons conspiring to commit a civil trespass, should not be indicted criminally.

Mr. Blunt asked if the court wished to hear any reply.

Judge Edwards said that the counsel was under misapprehension in saying that the court had wrongly charged the jury. The other points were embraced in the opinion of the supreme court, and need not be again determined by this court.

The court could not consent to suspend the sentence. They conceived the points of exception to be already decided by the supreme court against the defendants, and they had not the slightest expectation that the decision would be reversed on the bill taken in the case.

Judge Edwards proceeded to pass sentence. He recapitulated the charges of the indictment—defined conspiracies, and commented on their effects, as shown in this city, and particularly in the case of these defendants. He said combinations were not necessary in this country for the protection of mechanics, or any other class. They were of foreign origin, not in harmony with our institutions, or with the character of our people. He believed they were mainly upheld by foreigners.

In passing sentence, the court had been influenced by the recommendation to mercy of the jury, by the poverty of the defendants, and by the belief that they acted in ignorance of the law: a belief strengthened by the fact, represented to the court, that most of them were foreigners. The court were determined to punish mildly, in this instance, but at the same time gave the assurance that a repetition of the offence would be visited with increased severity.

Henry Faulkner, who was president of the society, and as it appeared in evidence, the master spirit of the proceedings of the defendants, was sentenced to pay a fine of $150.

Howell Vail, another very active party, to a fine of $100.

And the others, to a fine of $50 each; and to stand committed until these fines are paid.

When the judge ceased speaking, a few hisses were heard from among the auditory—not more than five or six, however—and orders being immediately given to the officers, to arrest any person making disturbance in that or any other way, silence was at once restored, and the court room quickly emptied.

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 18—VOL. XIV.] BALTIMORE, JULY 2, 1836. [VOL. L. WHOLE No. 1,293

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

Congress will, in pursuance of the joint resolution adopted by both houses, adjourn on Monday next, the 4th of July. The people will rejoice at this event for more than one reason, and it will be a great relief to us and our readers—for we will then be at liberty to impart greater variety to our pages, and thus render them more interesting. A long session of congress is a hard trial to both parties, but the valuable character of the papers and documents recorded, mitigates in some degree, the labor of preparation and of reading.

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It becomes our melancholy duty to announce the death of JAMES MADISON, who departed this life on the 28th ult. For this event we were, in some measure, prepared by recent accounts of his illness; yet its annunciation has raised in our heart the most deep and solemn emotions, and we feel as if the last of the altar-lights of the temple of liberty had been extinguished forever. For, in despite of the truths of philosophy and the enduring character of principles, we have ever associated the purity and prosperity of our free institutions with the lives of those patriots who assisted in their formation, and regarded them as their guardian genii; and now that their glorious work has been deprived of its last protector, we look upon the future as upon an untried experiment. But whether the great plan of self-government shall continue to promote the welfare of the human race, or be desecrated to selfish and unhallowed purposes, the latest posterity will not impeach the fair fame of those who devised it, or cease to admire the glory of their achievement—and to the memory of no one of that band of patriots are gratitude and honor more justly due, than to that of James Madison. His public acts were a noble commentary upon his political principles—his private life an illustration of the purest virtues of the heart. The honest intentions of the first are acknowledged by those who denied their wisdom—the effects of the last have been felt in that benevolence which gives comfort and delight in well-doing. His course has, indeed, ended gloriously, and his latter days offer an example for the imitation of those who have enjoyed or may enjoy the same honors no less commendable, than his services in the cause of his country have been useful.

Mr. Madison was born on the 15th March, in the year 1751, and was of course, eighty-five years old in March last. He retired from the presidential chair on the 4th of March, 1817, and has since resided in philosophic ease at Montpelier, Orange county, Virginia.

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MINISTER TO FRANCE. We learn from the Intelligencer of yesterday, that LEWIS CASS (now secretary of war) has been appointed by the president of the United, with the advice and consent of the senate, to be envoy extraordinary and minister plenipotentiary from the UNITED STATES to FRANCE. The appointment was, we understand, confirmed unanimously as soon as announced.

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THE CREEK WAR. There have been a few skirmishes between the Creeks and our troops, but no important event has transpired since our last notice. The report of a passage of a large body of Creeks into Florida, is, as we apprehended, unfounded. Such an event cannot well take place; for we see it stated in the Columbus Herald of the 19th ult. that 1,000 of our troops are stationed on the river below that town, and that two steam boats are constantly running up and down to prevent the Indians from crossing. A very large force has been concentrated in and near Columbus, and it was expected that gen. Scott's would speedily open the campaign. But we learn by the Intelligencer of yesterday, that general Scott has been recalled to the seat of government, and that by this recall gen. Jessup will be left in chief command.

We have published several official papers in the present sheet, which contain some interesting particulars in relation to the war, and must confine our selections to such documents; for it is almost impossible to sift the truth from the mass of rumors and reports contained in the southern papers.

—

FROM FLORIDA. Gen. Clinch is unwilling to assume the command of the troops in Florida, and the president has accepted his resignation. By this determination of gen. C. the regular troops and militia in that territory are placed under the command of gen. Call. The remaining garrisons on the seabord have been ordered to proceed forthwith to Florida for active service in the field. The troops there are suffering from sickness, and we see it stated that, of 118 men stationed at Fort Gilleland, 43 were afflicted with chills and fevers. The measles had also been raging there among the women and children. There was occasionally a skirmish with the enemy, who were still employed in driving off the cattle.

We have on file a letter from major Reed, giving an account of the delivery of the block house on the Wythlacoochee, which we will publish in our next.

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TEXAS. Gen Houston and suite have left New Orleans to join the army. Messrs. P. W. Grayson and James Collingsworth, have been appointed commissioners by the Texian government to negotiate with the government of the United States for the recognition of the independence of Texas, and left New Orleans for Washington on the 17th ult.

The New Orleans Bulletin of the 18th ult. states, on the authority of the above commissioners, who arrived from Velasco, the present seat of government of Texas, that, on the —— day of last month, an agreement in the nature of an armistice was entered into between the government of Texas and gen. Antonio Lopez de Santa Ana, the substantial stipulations of which, on the part of the latter were, that all the Mexican forces then in Texas should forthwith evacuate the country, passing beyond the Rio Bravo del Norte; that all property taken in any portion of the Mexican army from Texian citizens, at any time since the commencement of the late invasion, should be forthwith restored; that all Texian prisoners in the hands of the enemy should be immediately set at liberty; for and in consideration of a corresponding number of Mexican prisoners in the hands of the Texians—and finally, that there should be for the present a cessation of all hostilities both by land and sea.

Among the minor stipulations of the agreement was one given by gen. Santa Ana personally, that he would not himself take up arms, or cause them to be taken up against the people of Texas, during their struggle for independence.

It is further authorised to state, that, in compliance with the stipulation for the evacuation of the country, all the Mexican forces were actually retreating as fast as possible, having when they were last heard from, already passed beyond San Antonio and Goliad, under the command of gen. Filasola, who whilst being next in rank to gen. Santa Ana, had, on receiving a copy of the armistice, passed his official engagement to obey its terms, so far as they applied to him.

It will be seen by reference to page 310 that gen. Santa Ana has offered a defence for the slaughter of colonel Fanning's troops.

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THE DEPOSITE BILL. Upon the supposition that the amount of surplus revenue to be distributed on the 1st January next, will be $20,000,000, an accurate friend of the New York American has calculated for it, in round numbers, the apportion-

ment according to the electoral college ratio, that is, according to the representation of each state in the senate and house of representatives. [The left column gives the result as the bill now stands—that on the right, the result that the bill as originally reported in the senate would have produced; that is, according to the ratio of representation in the house of representatives. This was altered by inserting "senate," so as to include the representation in both branches.]

	Present bill.	Original bill.
Delaware, Michigan, Arkansas, each	204,000	82,600
Rhode Island, Mississippi, Missouri, each	272,000	165,300
Louisiana, Illinois, each	340,000	248,000
New Hampshire, Vermont, Alabama, each	476,000	413,300
Connecticut, New Jersey, each	544,000	496,000
Indiana	612,000	579,000
Maine, Maryland, each	680,000	661,000
South Carolina, Georgia, each	748,000	744,000
Massachusetts,	953,000	992,000
N. Carolina, Tennesseee, Kentucky, each	1,020,000	1,074,700
Ohio,	1,429,000	1,570,000
Virginia,	1,555,000	1,736,000
Pennsylvania,	2,041,000	2,314,000
New York,	2,857,000	3,306,000

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Rail ways in England. A late number of the London Atheneum contains an outline map of England, on which the principal rail roads—whether completed or in progress, are laid down. The Stockton and Darlington, which was opened in 1825, cost £200,000. The Liverpool and Manchester, at the opening of which, in 1830 Mr. Huskisson was killed, cost £1,200,000. The Kenyon and Leigh and Bolton and Leigh rail road, cost £150,000. That between Comfort and High Peak, in Derbyshire, cost £180,000. The Leicester and Swarmington road, cost £135,000. That of Leeds and Selby £350,000. That of Whitby and Pickering £120,000, making in all an amount of two millions, two hundred and fifteen thousand pounds sterling—for completed rail roads: besides which there are several short mining rail roads, in South Wales, Durham and Northumberland, for the conveyance of coal. Those partially completed, are that between Carlisle and Newcastle, which will cost £540,000. That between London and Southampton, that between the Metropolis and Birmingham, that from Newton to Preston, the cost of which estimated at £500,000, an extension of which, five miles further will complete the rail road union, between the northern and southern waters of England, to the extent of 300 miles, at a cost of six millions sterling, and that from London to Greenwich, which will cost £400,000, and will be used as a channel for the entrance, of other lines into London, from the east. Several additional rail roads are in contemplation; and the capital employed on these works of improvement, amounts to the enormous sum of fifty-six millions eight hundred and fifty-six thousand pounds sterling. [*Metropolitan.*

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Views of religion. The following table, compiled from the official publications of the several sects, is supposed to afford a fair view of the comparative strength of the different religious denominations in the United States. The figures do not, of course, indicate the number in full communion, but the whole number of people who manifest a preference for this or that persuasion. [*New Yorker.*

Baptists	4,300,000
Methodists	3,000,000
Presbyterians	2,175,000
Congregationalists	1,400,000
Roman Catholics	800,000
Episcopalians	600,000
Universalists	600,000
Lutherans	540,000
Dutch Reformed	450,000
Christians	300,000
Friends	230,000
Unitarians	180,000
Mormonites	12,000
Tunkers	30,000
Shakers	6,000
Moravians	5,575
Swedenborgians	4,000

—

Emancipation. Condition of the descendants of a number of emancipated slaves in Prince Edward county.

Richmond, March 23d, 1836.

To the editor of the Farmers' Register:

You expressed a wish (page —, vol. III), to obtain information in relation to the history of the emancipated people of color in Prince Edward; I presume those emancipated by the late Richard Randolph more especially.

More than twenty-five years ago, I think, they were liberated, at which time they numbered about one hundred, and were settled upon small parcels of land of 10 to 25 acres to each family. As long as the habits of industry, which they had acquired while slaves, lasted, they continued to increase in numbers, and lived in some degree of comfort—but as soon as this was lost, and most of those who had been many years in slavery either died or became old and infirm, and a new race, raised in idleness and vice, sprang up, they began not only to be idle and vicious, but to diminish instead of increasing, and have continued to diminish in numbers very regularly every year—and that too, without emigration; for they have almost without exception, remained together in the same situation as at first placed, to this day.

Idleness, poverty and dissipation are the agents which continue to diminish their numbers, and to render them wretched in the extreme, as well as a great pest, and heavy tax upon the neighborhood in which they live. There is so little of industry, and so much dissipation amongst them, that it is impossible that the females can rear their families of children—and the consequence is, that they prostitute themselves, and, consequently, have few children—and the operations of time, profligacy and disease more than keep pace with any increase among them. Whilst they are a very great pest and heavy tax upon the community, it is most obvious, they themselves are infinitely worsted by the exchange from slavery to liberty—if, indeed, their condition deserve that name. James Madison.

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The bloodhound. The Cuba bloodhound, which it is proposed to introduce into Florida, is one of the fiercest and strongest of the Canine tribe. The breed was used in the early period of Spanish colonization to hunt the wretched natives of that island, and is still employed in the discovery and seizure of runaway negroes. So unerring is the scent, and so pertinacious is he in the pursuit, that he never fails to track the fugitive to his lurking place in the most secret and remote recesses of the island, and so terrible is he from his strength and fierceness that the negro who is unarmed, on the approach of the animal always gives himself up for lost. The Floridian, in mentioning the project of introducing this breed, remarks as follows:

"The necessity of having recourse to this ferocious animal is to be deplored; but whatever may be the issue of the present war, that necessity will still exist. Should the Seminoles be obliged to submit, they will not be allowed to carry with them the slaves which they have captured. The country will still be left infested with banditti, which can hardly be exterminated by any other means. While the war lasts, the employment of this animal would effectually deter the enemy from separating into small parties. We should have no scruples in calling to our aid a brute as ferocious and blood-thirsty as the enemy we have to contend with."

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A great project. *Steam navigation from the Great Lakes to the Atlantic.* We perceive that the New York papers are beginning to agitate a grand project for opening a navigation from Lake Ontario to the Hudson river, adapted to the steamboats and other vessels that navigate both waters. The plan proposed, is to improve the Oswego and Oneida rivers, which are large deep streams, requiring but little to be done except locking around the rapids, and through those rivers to open the channel to the Oneida lake; thence to construct a canal 8 or 10 feet deep, and 100 feet wide, to the city of Utica; and from that point, eventually, to continue the same enlarged navigation either through the channel of the Mohawk river, or by a ship canal along its valley, to the Hudson. The city of Utica stands about half way between the two waters thus to be united; and a survey has recently been made from Lake Ontario to Utica, by which it appears that the proposed navigation can be opened to that point for about one million two hundred thousand dollars. This sum appears very small when we consider the distance (nearly 100 miles) and the magnitude of the work; but its cheapness is accounted for from the fact, that for about two-thirds of the distance there is already a navigable channel provided by nature, through the Oswego and Oneida rivers, and Oneida lake.

This strikes us as one of the most magnificent enterprises of the age, and worthy of the state which has the honor of being the pioneer in the system of internal improvement. It is evident from a glance at the map of the union, that the route alluded to, is the only one through which such a grand water communication can be made on the continent; and the work if practicable in that direction, as we suppose it is, will undoubtedly be undertaken by the enterprising state that possesses so peculiar an advantage; and when accomplished, would confer everlasting glory on the age, and incalculable benefits upon the whole country. We entertain no narrow jealousies in relation to the great internal improvements going on in our neighboring states. The trade of the vast and growing west is a subject of fair competition, and we have no doubt our own city will come in for its full share, as we are not a whit behind them, if not actually in advance, in respect of facilities for commanding that trade. We rejoice to see our whole country engaged in this noble strife of public improvement—this glorious competition for conferring blessings on the human family. The great project alluded to, if accomplished, would but stimulate the

energies of our own state to further exertion, and carry her resources to farther developments.

MUNIFICENT BEQUEST. *From the African Repository for May.* The rev. Mr. Butler, of Port Gibson, Mississippi, in a letter to the New Orleans Observer, gives the following notice of the liberality of Isaac Ross, of Mississippi, who died last January. Mr. Ross was an officer in the war of the revolution, and one of the most esteemed citizens of that state. Mr. Butler says:

The deceased was the owner of more than 170 slaves, a splendid plantation, probably better stocked than any other in the state, and now an immense territory lying around "Prospect Hill." By his will, his plantation will be managed as before, during the life-time of his daughter, Mrs. Reed, the relict of the late Theo. B. Reed, esq. who died soon after his election to a seat in the senate of the United States from Mississippi. After the event, the servants who are over 21 years, are to decide, by a vote of the majority, whether they will go to Liberia or remain in servitude. If the election should terminate in favor of emigrating to Liberia, then all the property is to be sold, and the proceeds, together with the money realized from the sale of the crops since his death, (with the exception of 12 or 15,000 dollars subtracted for a grandchild), are to be expended in the transportation and comfortable settlement of the emancipated in the colony of Liberia, and the establishment of an institution of learning in some place of the colony. But if a majority of his servants over 21 years, should elect the continuance of their servitude, then it is required that the entire estate, servants and every thing else, except the mansion and some land around it, should be exposed to public sale, and the whole proceeds, with the exception before named, are to be vested in certain trustees, for the endowment of the said institution of learning.

I would not attempt to make an estimate of the amount of the entire property of which our benevolent fellow citizen has made such a noble disposition; but I am fully persuaded it will stand among the most munificent deeds in the history of our country.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

June 22. [The following proceedings took place in the senate on the consideration of the amendment of the house to the deposite bill, and are published for future reference, our last notice of the proceedings having been necessarily brief.]

On motion of Mr. *Webster*, the senate proceeded to consider the amendment made by the house to the bill to regulate the deposites of the public money.

The amendment being read, Mr. *Calhoun* moved to lay the amendment on the table for examination; which motion, after a few words from Mr. *Webster*, was agreed to. [The amendments of the house to the bill granting lands to the state of Alabama, for the purposes specified therein, were taken up, and concurred in.]

On motion of Mr. *Calhoun*, the senate proceeded to consider the amendment to the deposite bill. Mr. *Calhoun* moved that the senate concur in the amendment.

Mr. *Webster* expressed his acquiescence, but said he should have preferred the bill as it went from the senate, as it was then in a form which disconnected it most completely from the state governments. For other reasons, also, he would have preferred the bill as it went from the senate.

Mr. *Morris* objected to the motion to concur, as he thought the amendment by which the states were bound to repay the deposite on the demand of the general government very exceptionable, and likely to lead to serious abuses. He would rather give the money exclusively to the states than vote for this amendment. He hoped the amendment would be printed. He was opposed to all compromises where right and principle were involved.

Mr. *Buchanan* said we had arrived at that point when we must accept the amendment, or leave the money in the deposite banks for another year. Whatever he thought of the amendment, he was not prepared to meet this responsibility. The house objected to the senate bill, that it placed the money in the state treasuries not as a public deposite, because the federal government did not reserve the power to reclaim the money at any time, and that this was not a constitutional mode of depositing. The bill was amended to obviate the objection, and he hoped the amendment would be concurred in.

Mr. *Calhoun* said the principle of the bill had not been changed, and he hoped the senate would come to a vote. No secretary of the treasury will ever call for this money.

Mr. *Clay* deemed the bill as amended better than it was before, because it now contained a restriction on the treasury in calling in the money, so that it would not be in the power of the treasury to distress the banks. He also understood that the amendment would quiet constitutional scruples somewhere, and he was himself disposed to respect and quiet scruples of that kind any how and any where.

Mr. *Clayton* expressed his preference for the bill in its amended form to the original bill.

Mr. *White* suggested that, as the operation of a law of the states was rendered necessary by the amendment, and as the legislature of Tennessee met but once in two years, this state might have the benefit. He wished that no state should be deprived of the benefit until her legislature should have been in session. He would have preferred the bill as it went from the senate.

Mr. *Webster* thought that the original bill was liable to the same objection, and that the amendment did not make the difficulty greater.

Mr. *Ewing*, of Ohio, would have preferred the bill as it went from the senate, because he thought the certificate system the best mode of reclaiming the deposites. Still he would vote for the amendment, although it put it in the power of the states to evade the payment, should any of them be disposed to evade, which he did not expect would be the case.

Mr. *White* suggested that the difficulty he had suggested might be rendered by the introduction of an amendment to the amendment of the house.

Mr. *Calhoun* said that few, if any, of the legislatures would be in session before the 1st of January, when the bill will take effect.

Mr. *Morris* said his great objection to the amendment was, that it created the relations of debtor and creditor between the federal and state governments. The money is placed in the banks by agreement, but there could be no bargaining with the states.

Mr. *Benton* said he should vote against the amendment.

Mr. *King*, of Alabama, did not approve of the amendment, but, thinking it necessary to provide for placing the revenue in greater security than that in which it now stands, he would surrender his objections.

Mr. *White* said, on examination he found that his objections had abated, and he should not oppose the amendment.

The amendment was then concurred in.

June 23. The *chair* laid before the senate a communication from the department of state, in reply to a resolution calling for copies of all the acts passed by the territorial legislature of Florida; which was laid on the table.

Mr. *Clay* stated that the committee on foreign relations had examined the correspondence which had passed between the governments of the United States and Great Britain, for the settlement of our north eastern boundary. It had been referred, it would be recollected by the senate, for the sole purpose of ascertaining whether it might be published without prejudice to the public interests. The committee, thinking that the opinion and wishes of the senators from the two states of Maine and Massachusetts, more immediately interested, ought to have controlling influence on the question of publication, had afforded them an opportunity of examining the correspondence, and they all concurred in believing it might be safely published.

The negotiation has not entirely closed, although the committee regret to find that it does not promise to result in any satisfactory adjustment of the boundary question. Various endeavors, during the progress of the correspondence, to accomplish that desirable end, have failed of success. Under all the circumstances the committee believe that more mischief might be done from misconception and misrepresentation of what has been attempted, by withholding the correspondence from the public, than by a publication of it. The committee, therefore, concur in opinion with the senators from Maine and Massachusetts, that it is expedient to publish it. Mr. *Clay* accordingly moved that it be published, which was ordered: and, upon the motion of Mr. *Shepley*, three thousand copies were ordered.

After the reception of several reports from the committee on pensions, on motion of Mr. *Shepley*, a member of the committee on engrossed bills was ordered to be appointed in place of Mr. *Hill*; and Mr. *Page* was then appointed.

Mr. *Southard* offered a resolution providing that the senate meet every day at 10 o'clock and take a recess from 2 till 4—which was laid on the table.

The bill to provide a building for a patent office, was read a third time, and the question being on its passage, a brief debate occurred, Messrs. *Clay* and *Clayton* speaking in opposition to and Mr. *Ruggles* in favor of the bill, after which it was laid on the table according to Mr. *Clayton's* motion. Ayes 20, nays 18.

The bills on the table ordered to a third reading, were read a third time and passed.

On motion of Mr. *Ewing*, of Ohio, the senate proceeded to consider the bill to change the mode of conducting the sales of public lands.

After the bill had been amended, on motion of Mr. *Ewing*, of Ohio, Mr. *Walker* moved the indefinite postponement of the bill, and asked the yeas and nays; which were ordered. Some discussion took place, in which Messrs. *Porter*, *Preston*, *Ewing*, of Ohio, *Linn*, *Walker*, *King*, of Alabama, *Hendricks*, *Clay* and *Robinson* participated, when the question was taken on the motion to postpone indefinitely, and decided in the affirmative as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Hendricks, Hubbard, King, of Alab. Linn, Moore, Morris, Nicholas, Niles, Page, Porter, Preston, Rives, Robinson, Shepley, Tipton, Walker, Wall, White Wright—25.

NAYS—Messrs. Bayard, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Kent, Knight, Leigh, Prentiss, Robbins, Southard, Tomlinson, Webster—15.

The senate then adjourned.

June 24. A message was received from the president of the United States, announcing his approval of the bill to regulate the public deposites.

Mr. *Clay* remarked that the message just communicated by the president announced the gratifying fact that he had approved the deposite bill. He (Mr. C.) was extremely glad of it, and it afforded ground for great rejoicing; but he could not refrain from observing that the same fact was announced this morning in the Globe, in an editorial article which bore an authorised character; and that it was not according to established usage, nor respectful towards congress, that his approbation of a bill passed by that body should be communicated to the editor of a newspaper prior to the communication of the fact to that house in which the bill had originated.

The following message was also received from the president of the United States:

To the senate of the United States:

In compliance with a resolution of the senate of the 18th instant, I transmit a report from the secretary of state, with the papers therewith presented. Not having accurate and detailed information of the civil, military and political condition of Texas, I have deemed it expedient to take the necessary measures, now in progress, to procure it, before deciding upon the course to be pursued in relation to the newly declared government. ANDREW JACKSON.

Washington, 23d June, 1836.

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Department of state, Washington, 23d June, 1836.

To the president of the United States:

The secretary of state, to whom was referred a resolution of the senate of the 18th instant, requesting the president "to communicate to the senate any information in his possession not inconsistent with the public interest touching the political condition of Texas—the organization of its government, and its capacity to maintain its independence; and, also, any correspondence which may have taken place between the executive of the United States and the government of Texas or its agents," has the honor to lay before the president the accompanying copies of papers addressed to, and left at, the department of state by persons claiming to be agents of the republic of Texas, being all the information and correspondence called for by the resolution. No answers having been returned to any of these communications, they remain for further consideration, and such direction as the president shall hereafter give. All which is respectfully presented. JOHN FORSYTH.

The message having been read,

Mr. *Clay* rose, and said it did not appear to him to be necessary that a reference should be made of this message, as the president himself states that he deems it requisite that he shall have further information on the subject before he determines on the propriety of recognising the independence of Texas. The committee on foreign relations in their report had certainly thrown out no reflection on the president as having been too tardy in his movements, but had come to the conclusion that it would be proper to recognize the independence of Texas whenever it should be communicated that she had a government able to sustain itself. As the president had signified a desire to wait for further information before he acts, there would probably be no necessity to move to refer these papers to the committee on foreign relations. He moved to lay the message on the table and print it.

Mr. *Preston* stated that the only fact necessary to be established was, that the war in Texas had terminated; and that was proved by the documents accompanying the message. He would, however, concur in the motion of the senator from Kentucky, merely reserving to himself the privilege to move further in the subject, if, on reflection, he should feel convinced that such course was advisable. The present inclination of his mind was to move to refer the resolution of the committee on foreign relations back to that committee, with instructions to report a resolution to recognise the independence of Texas.

Mr. *Clay* said that if it should be considered by the senator from South Carolina, (or any other senator) advisable to adopt such a resolution as he had suggested, he might do so when the resolution of the committee on foreign affairs came to be acted on, and that resolution was the special order for yesterday. He did not concur in the opinion expressed by the senator, that the sole fact to be regarded in acting on this subject was that of the termination of the war. There was also another fact, and it was that concerning which he presumed the president was now seeking information, and this was—whether there is, in fact, a government existing in full and successful operation, so as to justify the establisment of intercourse and relations of amity. Whenever the motion to lay the message on the table, and print it, was disposed of, he would move to make the resolution reported by the committee on foreign relations the special order for a day next week.

The message was then laid on the table and ordered to be printed.

On motion of Mr. *Clay*, the resolution reported by the committee on foreign relations was then postponed and made the special order for Wednesday next.

A number of reports were received and disposed of, when, on motion of Mr. *Tomlinson*, it was ordered that the daily hour to which the senate shall adjourn shall be ten o'clock during the residue of the session.

After the consideration of several bills for the relief of individuals, on motion of Mr. *Southard*, the senate proceeded to consider the bill for the organization of the navy. On motion of Mr. *Southard*, the bill was amended by striking out the words "four rear admirals"—he also moved to strike out "nine" before commodores and insert "thirteen."

Mr. *Cuthbert* moved to divide the question, but it was decided by the chair to be out of order. The question on the motion of Mr. *Southard* was then decided in the negative. Mr. *Cuthbert* then moved to strike out the whole of the commodores, so as to destroy that rank. Mr. *Southard* asked for the yeas and nays, which were ordered.

Mr. *Webster* expressed a wish to retain the rear admirals and strike out the commodores. He would move when out of committee, to restore the rear admirals, and would now vote against the commodores. The proposition to take the question by yeas and nays was then withdrawn, and the motion to strike out was agreed to. Mr. *Cuthbert* moved to amend the bill by striking out the grade of second lieutenant; which was agreed to. Mr. *Webster* moved to increase the number of "first" lieutenants from 250 to 350, so as to include the number which had been included under the head of "second" lieutenants; which was agreed to. The bill was then reported to the senate, and the amendments were concurred in, except that in relation to rear admirals. On motion of Mr. *Webster*, the bill was so amended as to make one admiral, one vice admiral and three rear admirals—yeas 18, nays 10. The bill was then ordered to be engrossed and read a third time.

A number of private bills were next considered and ordered to a third reading, when the senate proceeded to the consideration of executive business, and, after some time spent in secret session, adjourned.

June 25. On motion of Mr. *Swift*, the assistant door-keeper, Mr. Haight, was excused from attendance for the residue of the session, on account of sickness in his family. After receiving reports from committees and agreeing to several reports and resolutions which were lying upon the table, &c. the senate proceeded to the consideration of the pension bills, when seventy-three bills of that character were considered and ordered to be read a third time. The bills on the table ordered to a third reading were read a third time and passed.

The senate, on motion of Mr. *Wright*, took up the bill for the relief of the sufferers by the late fire in New York. Mr. W. moved to amend it so as to extend the relief to the sufferers who had paid their loans previous to the passage of the act, and whose losses exceeded $1,000. He explained that there had been loans paid by the sufferers to the amount of $405,115 before the passage of the act. The amendment was then agreed to and the bill ordered to be engrossed.

The senate, on motion of Mr. *Benton*, agreed to postpone the previous orders, for the purpose of taking up the bill to grant certain annuities of land to the states therein named. Some discussion arose on this bill, when it was, on motion of Mr. *Mangum*, laid on the table—ayes 22, nays 17.

The senate, on motion of Mr. *Clayton*, proceeded to consider the amendment of the house to the bill to provide for the due execution of the laws of the United States in the State of Michigan. The amendment struck out the salary of $2,000 appropriated by the senate bill for the district judge of Michigan, and substituted $1,500. The question being on the motion of Mr. *Clayton* to strike out $1,500 and insert $1,800, Mr. *Clayton* withdrew his proposition, and the amendment of the house was concurred in.

On motion of Mr. *Clay*, the bill to settle the claim of the executrix of Richard W. Meade, was taken up, slightly amended, read a third time and passed.

Mr. *Buchanan* moved the senate to take up the bill to increase the pay of the marine corps. The bill being taken up, Mr. *Buchanan* moved to amend the bill so as to place the marines on the same footing with the infantry companies in the army, and in case they are called out to sea, they shall be entitled to the same privileges as officers of the navy.

The amendment was lost—yeas 14, nays 14.

Mr. *Buchanan* (the bill having been reported to the senate) renewed his motion to amend, and asked for the yeas and nays; which were ordered, and the motion rejected—yeas 27, nays 10. An amendment was moved by Mr. *Southard* and agreed to, after which the bill was ordered to be engrossed and read a third time.

The District bills from the house, with amendments, were referred to the committee for the District of Columbia. On motion of Mr. *Moore*, a bill to create a new land office in Alabama was taken up and ordered to be engrossed. The senate concurred in the amendments of the house to the resolution concerning the Smithsonian institution, and, having spent a short time in the consideration of the bill for the relief of Joseph Grant, before a question was taken, adjourned.

June 27. Mr. *White* presented the proceedings of a large meeting assembled at Nashville, and a memorial praying that Texas may be acknowledged as a free, sovereign and independent state. Mr. W. expressed his acquiescence in the feeling and action of the meeting, when, on his motion, the proceedings were read, laid on the table and ordered to be printed.

Mr. *Webster*, from the committee on finance, reported the bill from the house making appropriations for certain fortifications, with two amendments; which amendments were ordered to be printed.

The committee on military affairs and the committee on the judiciary were respectively discharged from the various subjects which had been submitted to them.

Mr. *Preston* offered the following resolution which lies one day for consideration.

Resolved, That provision ought to be made by law for defraying the expenses of an agent or commissioner to Texas, whenever the president may think it proper to make such appointment.

Mr. *Webster* offered resolutions, in substance, as follows, which lie for consideration:

Resolved, That the secretary of the treasury, and the secretary of the navy, and the secretary of war, lay before the senate early in the next session of congress, an account of all moneys paid away under contracts made with their departments, and by the several disbursing officers, out of appropriations made at this session.

Resolved, That the secretary of the treasury cause to be published, during the recess of congress, the amount of money in the treasury which is subject to draft.

On motion of Mr. *Tomlinson*, the senate reconsidered the vote by which a bill granting pensions to certain individuals therein named was passed on Saturday, and the bill was then laid on the table.

The several bills ordered to a third reading on Saturday were read a third time, and passed.

The senate proceeded to consider the message of the president of the United States, returning the bill fixing a day for the annual meeting of congress, and for the close of the first session of each congress.

The question being on the passage of the bill, the objections of the president to the contrary notwithstanding, Mr. *Morris* stated at length the reasoning which had brought him to the conclusion that the objections of the president are not sustained by the soundest construction of the constitution. Mr. *Goldsborough* took a similar view, and expressed his dissent from the views of the executive. Mr. *Porter* said he had voted against the bill when it was brought forward, but he was opposed to the grounds taken by the president. Mr. *Wall* sustained the argument of the president in a few observations. Mr. *Southard* had voted against the bill, because he considered that its provisions involved an inconvenience, but he was satisfied that congress had the constitutional power to pass the law, and he could not therefore sustain the veto, but should vote for the bill, the decided vote of the two houses having settled the question of expediency. Mr. *Niles* sustained the principles of the message, and maintained that the bill could not be sustainable, because it fettered the successors of the congress which passed the law. Mr. *Walker* referred to the constitution to show that when a bill was *vetoed* by the president, it was not required of congress to reconsider his reasons, but only to reconsider the bill.

The question was then taken on the passage of the bill, the president's objections notwithstanding, and decided as follows:

YEAS—Messrs. Bayard, Buchanan, Clay, Clayton, Davis, Goldsborough, Hendricks, Kent, Knight, Morris, Robbins, Robinson, Southard, Swift, Tipton, Webster—16.

NAYS—Messrs. Benton, Black, Brown, Calhoun, Cuthbert, Ewing, of Ill. Grundy, Hubbard, King, of Ala. King, of Georgia, Leigh, Linn, Mangum, Nicholas, Niles, Page, Porter, Rives, Tallmadge, Walker, Wall, White, Wright—23.

So the bill was *rejected*.

Mr. *Clayton* asked and obtained leave to introduce a bill to fix the day for the annual meeting of congress, which was read a first time, and ordered to a second reading. [This bill merely fixes the day of meeting for the first Monday in November.]

The special order, being the bill to restore the constitutional currency, was postponed, by a vote of 17 to 11.

Mr. *Wright* moved to take up a bill anticipating the payment of the indemnities obtained under the French and Neapolitan treaties, and asked for the yeas and nays, which were ordered.

[This bill proposes to take about four millions out of the treasury, and pay it in advance to the claimants.]

The question being put, it was determined as follows:

YEAS—Messrs. Benton, Cuthbert, Ewing, of Illinois, Grundy, Hubbard, King, of Ala. King, of Georgia, Linn, Morris, Nicholas, Niles, Page, Rives, Ruggles, Tallmadge, Walker, Wall, Wright—18.

NAYS—Messrs. Bayard, Black, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Goldsborough, Hendricks, Knight, Leigh, Mangum, Porter, Robbins, Southard, Swift, Tipton, Webster, White—21.

So the senate refused to take up that bill.

A bill to establish a foundry; an armory in the west and one in the south; arsenals in the states in which none have yet been established, and depots for arms in certain states and territories, came up in its order. The bill was amended on motion of Mr. *Benton*, when Mr. *Calhoun* moved its indefinite postponement, on account of the want of time for its consideration. Mr. *Walker* called for the yeas and nays; which were ordered. Some discussion took place on this motion, in which Messrs. *King*, of Ala. *Linn*, *Porter*, *Calhoun*, *King*, of Ga. [who stated that we have 800,000 stands of arms on hand, as many as Great Britain has, and nearly as many as France, and that we require no more], and *Wall* participated, when the question was taken, and decided in the negative. Ayes 13, nays 22. Mr. *King*, of Ga. moved to lay the bill on the table with the view to give time for further inquiry—negatived yeas 16, nays 17. On motion of Mr. *King*, of Ala. the armory for the south was stricken out, and the bill was so amended as to provide for one in the west or south west. On motion of Mr. *Webster*, the provision for the arsenal at St. Louis was stricken out.

The bill was then ordered to be engrossed for a third reading.

A number of private bills were considered as in committee of the whole and ordered to be engrossed. The senate then, on motion of Mr. *Clay*, proceeded to the consideration of executive business; and, after remaining for some time with closed doors, on reopening them the senate adjourned.

June 28. After other business had been transacted, which will be noticed hereafter, on motion of Mr. *White*, the senate proceeded to consider the resolution offered by him, some time ago, *rescinding* the resolution of the senate of March, 1834, declaring that the president had transcended his authority in reference to the removal of the deposites. Mr. *White* addressed the senate at length in explanation and support of his views, for nearly three hours, when he asked the yeas and nays on his resolution. Mr. *Walker* then expressed the grounds on which he should vote against the resolution.

The yeas and nays being ordered, the question was taken on the rescinding resolution, and decided as follows:

YEAS—Messrs. King, of Georgia, White—2.

NAYS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing, of Ohio, Goldsborough, Hubbard, Kent, King, of Alabama, Knight, Leigh, Linn, Nicholas, Page, Rives, Robbins, Robinson, Ruggles, Swift, Tomlinson, Walker, Wright—28.

So the resolution was *negatived*.

Mr. *Wright* presented instructions he had received from the legislature of New York on this subject; which were ordered to be printed.

Mr. *Clay* suggested the propriety of taking up the expunging resolution, so as to dispose of the whole business. Mr. *Clayton* moved to take up the resolution, as he had received instructions to vote against it, and wished to record his vote. After some conversation between Messrs. *Wright*, *Benton* and *Clayton*, it was fixed that the resolution should be taken up at 12 o'clock to-morrow.

On motion of Mr. *Knight*, the vote by which the bill for the relief of Joseph Grant [extending his patent for making hat bodies] was reconsidered. Mr. *Knight* then moved to strike out the amendment which secured from harm those who had used the invention since the patent had expired, which this bill was intended to renew. Some discussion ensued. The ayes and noes were then demanded by Mr. *Wright*, and ordered, on the motion to strike out.

The question was then about to be taken, when Mr. *Hubbard* moved to lay the bill on the table, which was decided in the negative—yeas 18, nays 20.

The question was then taken on the motion to reconsider the vote amending the bill by inserting the proviso, and decided in the negative—yeas 18, nays 19.

The question was then taken on the engrossment of the bill, and decided in the affirmative—yeas 19, nays 17.

[This bill was to renew a patent expired perhaps two years ago for a machine for making hat bodies. Since the expiration of the patent, the invention had fallen into the public hands, and was now in common use. Mr. *Ruggles* introduced an amendment to secure to those who have the machine the right of using them, notwithstanding the renewal of the patent. The bill had been originally ordered to be engrossed, with this amendment engrafted upon it; but it was complained that this prevented the patentee from making any advantage of his invention, the motion to reconsider was made.]

The bills ordered to a third reading were read a third time, and passed.

The question coming up on the third reading of the bill to establish a foundry, an armory in the west and south, &c. its consideration was, on motion of Mr. *Crittenden*, postponed until to-morrow.

A communication having been read on the part of the owners of a brick building near the capitol, offering to sell it to the U. States for a patent office, with some other communications, Mr. *Ruggles* made a brief explanation, in which he said that it was the opinion of the president and Mr. Livingston that the building would not answer.

Mr. *Clayton* moved to recommit the bill in relation to the subject with instructions, to the committee on the judiciary, to report a new bill providing for the purchase of the brick building referred to, and asked for the yeas and nays, which were ordered. The question was then taken and the motion lost.—Ayes 14, noes 19.

Mr. *Ruggles*, by general consent, now moved to insert a proviso that a contract should be made for the building for $108,000. This amendment was agreed to, and the bill passed by the following vote.

YEAS—Messrs. Bayard, Benton, Buchanan, Calhoun, Ewing, of Ohio, Hendricks, Hubbard, Kent, King, of Ala. King, of Ga. Linn, Nicholas, Niles, Page, Robinson, Ruggles, Swift, Tomlinson, Walker, Wall—20.

NAYS—Messrs. Black, Clay, Clayton, Crittenden, Davis, Goldsborough, Leigh, Moore, Porter, Southard, White—11.

The bills from the house were read a first and second time, and referred.

June 29. Mr. *Clay* rose, and said he had a petition to present from the citizens of a portion of Kentucky, recommending the Colonization society to the favorable notice of congress, and asking aid in its behalf. Mr. C. said it was too late, he

was aware, for any action on the petition at this session, but he would take occasion to remark, that, after all his experience and his observation of the course of the society, his convictions as to the utility of this great project remained without change; and he trusted that the society would hereafter receive a larger portion of the public favor than it had heretofore enjoyed. At present he would merely move to lay the petition on the table; which was agreed to.

Mr. *Wall* asked and obtained leave to introduce a bill supplementary to the act to regulate the deposites of the public money; which was read twice, and referred to the committee on finance.

After other business, on motion of Mr. *Webster*, the senate proceeded to consider the bill from the house, making appropriations for certain fortifications.

Mr. *Webster* then explained that two amendments, one appropriating $50,000 for Boston, and the other appropriating $50,000 for Charleston, to supply an omission in the house, were proposed; but as the adoption of these amendments would render it necessary to send the bill back to the house, so as to make it necessary to refer it again to the committee of the house, thus endangering the whole bill, he was not disposed to press the amendments.

The amendments were then negatived.

On motion of Mr. *Calhoun*, the bill was laid on the table for further examination, with the understanding that it would be called up again during the day. After some time, the consideration of the bill was resumed, on motion of Mr. *Wright*. Mr. *Calhoun* moved to recommit the bill to the committee on finance, principally on the ground that the lateness of the session rendered it impossible that the amount can be expended this season. Instead of three millions he was willing to go as far as one million. Mr. *Clayton* explained, that the cause of the increased appropriation was the failure of the fortification bill of last year. He wished to amend the bill by adding a section prohibiting the payment of any of the money to the disbursing officers, except so fast as the progress of the works rendered it necessary.

Mr. *Clay* thought the amendment a proper one. But he wished to call the attention of the senate to the extraordinary appropriations made at this session. The amount appropriated by the bills passed, up to the 25th instant, was twenty-five millions; the bills which had come in since comprised eight millions, making thirty-three millions; and when the Indian appropriations, for the Cherokees and Creeks, shall be added, the total amount will be from *forty* to *forty-five* millions—a sum larger than is expended by the British government, exclusive of the interest and management of the public debt and the pension list. He reminded the senator from New York, (Mr. *Wright*), that he had estimated eighteen millions as the maximum, and that the calculation of the secretary of the treasury was that the expenditures would be little more than one-third of the present amount. How are we to spend four millions and a half during the sesion? He had heard that one of the objects of these appropriations was, before a certain bill which had been called for by the voice of the country, (the deposite bill), should go into operation, to draw these large sums from the treasury, and place them in banks where exhorbitant interest can be made upon the people's money. He expressed regret that the fortification bill of the last year had failed, but the failure of that bill did not render it necessary to swell the appropriations in the bill to such an enormous extent. He called on the friends of the administration to think of the country. He did not wish to see them driven out of power by public indignation, although he had no particular desire to see them remain in office. But he called on them, for the sake of themselves and their party, to be careful to carry into effect the principles of reform which they laid down at the outset of their career, and to prepare to justify their conduct before the people.

Mr. *Wright* said that he had hoped this bill would not have been resisted. He recalled to the recollection of the senate that last year no fortification bill had passed, and now half of another session had passed away, and there is not a dollar appropriated. The appropriation for next session will not pass a day before the 3d day of March, and the public interests were suffering. He stated that there were included in this bill items which should have been in the army bill, not pertaining to fortifications, but introduced into this bill for convenience, so that the whole of the sum ought not to be charged to the fortifications. He presumed that the money could be expended, and that we were not in that sad condition in which men never were before. He did not object to the amendment of the senator from Delaware.

Mr. *Ewing*, of Ohio, said that the amount appropriated by the bill was five times as large as were the usual annual appropriations; and notwithstanding the confident tone of the senator from New York, he did not believe that we could expend all this money, although we might throw it away. He stated that the appropriation bills had not been delayed in the senate. They had been kept back elsewhere, and not here. Mr. *Calhoun* then withdrew his motion to enable Mr. *Clayton* to offer his amendment. The amendment of Mr. *Clayton* was then agreed to.

On the clause making an appropriation for the fortification on the Pea Patch island, coming up, Mr. *Wall* moved an amendment rendering it necessary for the attorney general to investigate the title before any disbursements were made upon the island. The question was argued at some length, when the motion was rejected—ayes 10, noes 25.

Mr. *Calhoun* renewed his motion to recommit the bill with instructions to report a bill appropriating not more than sixteen hundred thousand dollars.

Mr. *Wright* asked for the yeas and nays, which were ordered. The motion was discussed by Messrs. *Clayton*, *Calhoun*, *Crittenden* and *Ewing*, of Ohio, and decided as follows.

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Ewing, of Ohio, Goldsborough, Kent, King, of Alab. Leigh, Moore, Porter, Preston, Robbins, Southard, Swift, Tomlinson, White—18.

NAYS—Messrs. Benton, Brown, Buchanan, Clayton, Cuthbert, Ewing, of Illinois, Hendricks, Hubbard, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Tallmadge, Tipton, Walker, Webster, Wright—20.

Mr. *Clay*, moved to lay the bill on the table in order to go into executive business. Mr. *Benton* called for the yeas and nays, which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Ewing, of Ohio, Kent, Leigh, Moore, Porter, Preston, Robbins, Southard, Swift, Tomlinson, Webster—16.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Ill. Hendricks, Hubbard, King of Alabama, King, of Georgia, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Tallmadge, Tipton, Walker, White, Wright—21.

Mr. *Clay*, after stating that the amount appropriated was alarming, said he would make one more effort to check the current of extravagance, and moved to recommit the bill with instructions to report a bill reducing the appropriations one-third. Mr. *Clayton* asked for a division, so as to take the vote first on the motion to recommit. Mr. *Clay* consented to this division of the motion. After some remarks by Messrs. *Cuthbert*, *Webster*, *Calhoun*, *Preston* and *Davis*, the yeas and nays being ordered, the question was taken, and decided as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, King, of Alabama, King, of Georgia, Leigh, Mangum, Moore, Porter, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—24.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hubbard, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Tallmadge, Tipton, Walker, Wright—18.

On motion of Mr. *Clay*, the senate proceeded to the consideration of executive business; and, after a short time spent therein, the senate adjourned.

June 30. We have not room for a detailed account of this day's proceedings, which will be given in our next. The principal business transacted was—the indefinite postponement (*rejection*) of the bill to change the time of the annual meeting of congress which passed the house of representatives yesterday by a small majority—the indefinite postponement of the joint resolution, which had passed the other house, for amending the joint rules of proceeding of the two houses so as to continue over from one session to another unfinished business depending between the two houses—and the concurrence in the amendments of the house to the bill concerning the banks in the District of Columbia, so as to extend the charters of all the existing banks to July 4, 1838.

The fortification bill was under consideration, when the senate, at 5 o'clock, took a recess.

HOUSE OF REPRESENTATIVES.

Wednesday, June 22. Mr. *Adams*, by general consent, presented the protest of certain Cherokee chiefs against the treaty made with that nation of Indians, and it was committed to the committee of the whole on the state of the union.

Mr. *Sutherland* moved to suspend the rules to enable him to offer a resolution that the house proceed to the consideration of the harbor bill and the bill in relation to the Cumberland road, at 12 o'clock this day, and continue in the consideration thereof until disposed of—and asked for the yeas and nays. The resolution was amended, on motion of Mr. *Cambreleng*, by adding the bill to carry into effect certain Indian treaties. The question was then taken on suspending the rules and decided in the affirmative—yeas 141, nays 49. On motion of Mr. *Vinton* the house proceeded to the orders of the day.

The motion of Mr. *Vanderpoel*, to reconsider the vote by which the bill amendatory of the act for the continuation of the Cumberland road was rejected, was postponed till to-morrow.

The bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain states, was then taken up; the motions pending, being to commit to the committee of ways and means, or to the committee on public lands, with certain instructions heretofore published.

On motion of Mr. *Hawes* the bill was laid on the table—yeas 104, nays 85.

Several bills were committed that will be noticed in their progress: among them was the bill to change the organization of the post office department, which was referred to the committee on the post office and post roads.

The house, in execution of the special order of the day, went into committee of the whole, and proceeded to the consideration of the bill making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other

purposes, for 1836. The bill was considered until the hour of recess. After the recess several bills, received from the senate, were read twice and referred. The house then went into committee of the whole upon the harbor bill, and having rejected several amendments, the committee rose and the house adjourned.

Thursday, June 23. Mr. *Adams*, from the committee on manufactures, reported a bill from the senate in relation to the duty on rail road iron; which, by consent, was read three times and passed.

Mr. *R. M. Johnson*, from the committee on military affairs, reported the bill from the senate, to increase the military establishment of the United States, with an amendment; also, a bill for the moral and religious instruction of the army, with a recommendation that it do not pass.

Mr. *Vanderpoel*, from the select committee on the subject, made a report in favor of the erection of a monument to the memory of the captors of major Andre, with a bill for that purpose, which was read twice and committed.

After several ineffectual attempts to suspend the rules, Mr. *Connor*, from the committee on the post office and post roads, reported the "bill to change the organization of the post office department, and to provide more effectually for the settlement of the accounts thereof," with the amendments of the senate thereto, with the recommendation that the house concur in the same. The bill and amendments were committed.

On motion of Mr. *Connor*, the house resolved itself into a committee of the whole on the state of the union, (Mr. *Howard* in the chair), on the above bill. Some of the amendments were concurred in. The amendments increasing the salaries of the clerks of the department were disagreed to. The question being on the amendment of the senate, striking out the 43d and 44th sections, which prevent the postmasters from receiving any emolument from pigeon-holes or boxes, some debate took place, in which Messrs. *Phillips*, *Mann*, of New York, *Ash*, *Johnson*, of La. *Everett* and *Briggs* took part, when the hour of 12 o'clock having arrived, the committee rose.

In pursuance of the special order, the house went into committee of the whole on the state of the union, Mr. (*Lincoln* in the chair,) and was about to proceed to the consideration of the light house bill, that being the next in order, when Mr. *Vinton* moved to reconsider a vote by which his proposition to amend the bill making appropriations for the Delaware breakwater, and for the improvement of certain harbors and rivers, had been rejected. This motion gave rise to a brief debate, after which the question was taken, the vote was reconsidered and the amendment adopted. [The amendment adds a section appropriating thirty thousand dollars for the improvement of the Ohio river from the falls to Pittsburgh.]

The bill was further amended, on motion of Mr. *Ashley*, by striking out the sections making appropriations for the improvement of the Ohio, Mississippi and Missouri rivers, and to insert another section, embracing the same amount of appropriation, to be expended under the direction of the secretary of war—and then laid aside.

The committee next proceeded to consider the harbor bill, Mr. *Bell* moved to strike out the enacting clause; and addressed the house in support of his motion till the hour for the usual recess arrived, when he suspended his remarks.

Evening session. The house resumed business at 4 o'clock; and having disposed of several resolutions of a private character, went again into committee of the whole on the state of the union, Mr. (*Lincoln* in the chair,) on the bill making appropriations for certain harbors, &c. the motion of Mr. *Bell* to strike out, being still pending. Mr. *Bell* again took the floor and opposed the bill in a speech of considerable length. After he had concluded, Mr. *Sutherland* expressed a hope that the gentleman from Tennessee would permit the bill to be laid aside till to-morrow. Mr. *Mercer* also expressed a wish that it might be deliberately considered to-morrow, and hoped the committee would rise. Mr. *Bell* not wishing, he said, to delay the action of the committee, or the progress of the bill, withdrew his motion for the present, giving notice that he should renew it in the house.

After some remarks from Messrs. *Peyton*, *Sutherland*, *Mercer*, *Phillips* and *Johnson*, of Louisiana, the committee, without taking any question, rose, and at nine o'clock the house adjourned.

Friday, June 24. Mr. *W. B. Shepard*, from the committee on the District of Columbia, to which was referred the senate bill to extend the charters of the banks of the District of Columbia, reported the same without amendment—and remarked that as there was no necessity for the commitment of the bill he hoped it would be ordered to a third reading. This recommendation gave rise to considerable discussion and several motions, but before the bill was disposed of the special order was announced.

On motion of Mr. *Thomas*, the committee on the judiciary was discharged from the further consideration of the senate bill, disapproving and annulling certain acts of the territorial legislature of Florida, and it was brought into the house and taken up for consideration.

The bill was read a third time and *passed*.

Mr. *McKay* moved the suspension of the rules for the purpose of enabling him to offer the following resolutions, which were read:

Resolved, That the power of taking money from the people, by laying and collecting duties, imposts and excises, is one of the most sacred of the trusts vested in the general government; that it is enforced solely to enable it to command the necessary means to execute the objects for which it was instituted, and that to exact money from the people when not necessary for those objects, or more than may be necessary, would be, on the part of the government, a manifest breach of trust, and to the people unjust and oppressive.

Resolved, That the revenue receivable under the present laws is, and will be more than is required for the fair and legitimate wants of the government, and that provision ought to be made for its reduction.

Resolved, That the secretary of the treasury report to this house, at the commencement of the next session, what alteration can be made in the existing tariff of duties, consistently with the principles of the several acts imposing duties upon imports, with a view to reduction.

Resolved, That the secretary of the treasury also report upon the best mode of diminishing the revenue arising from the public lands, without retarding the settlement of the new states, or impairing the interests of the general government; and generally his views as to the best mode of reducing the revenue to the fair and constitutional wants of the government.

Mr. *Mann*, of New York, called for the yeas and nays on the motion, which were ordered. Mr. *McKay* moved a call of the house, which motion was agreed to—yeas 105, nays 74. On motion of Mr. *Heister* all further proceeding in the call was dispensed with. The question was then taken on the motion to suspend the rules, and decided in the negative—yeas 124, nays 66.—Not quite two-thirds. Mr. McKay then gave notice that he would offer the same motion on Monday.

The house, in pursuance of the special order, resolved itself into committee of the whole, (Mr. *Lincoln* in the chair), for the further consideration of the bill making appropriations for certain harbors for the year 1836. An animated debate now ensued, in which Messrs. *Lane*, *Vinton*, *Crane*, *Chambers*, *Vanderpoel*, *Sutherland*, *Mercer*, *Galbraith*, *Hawes*, *Whittlesey*, *Patton*, and *Cambreleng* participated. The latter asked Mr. Patton, who was addressing the committee, to give way, that he might request the gentleman from Tennessee, (Mr. *Bell*), to renew his motion to strike out the enacting clause. Mr. *Patton* said he had intended to renew that motion before he had done; when he gave way for the house to take its usual recess.

Evening session. The house resumed, in committee of the whole on the state of the union, (Mr. *Lincoln* in the chair), the consideration of the "bill making appropriations for certain harbors for the year 1836."

Mr. *Patton* moved to strike out the enacting clause of the bill. On this motion a long debate took place, in which Messrs. *Gillett*, *Garland*, of Virginia, *Galbraith*, *Smith*, *Sutherland*, *E. Whittlesey*, *Turrill*, *Cambreleng*, *Bell*, *Boon*, *Underwood*, *Everett*, *Denny*, *Mercer*, *Briggs*, *Hannegan*, *Reed*, *Harper*, *Robertson*, *Pearce*, of Rhode Island, *Love*, and *Wise* took part.

Mr. *Wise* closed his remarks about 9 o'clock, and the question being then taken, the motion to strike out the enacting clause was rejected by a vote of 59 to 89.

The bill was then further amended; and at a quarter before 11 o'clock, the committee, without coming to any conclusion on the bill, rose—and the house then adjourned.

Saturday, June 25. After several motions relating to the priority of business had been rejected, the house resolved itself into a committee of the whole, (Mr. *Loyall* in the chair), in execution of the special order of the day for the consideration of bills relating to the District of Columbia. A number of bills and joint resolutions were then considered, with the amendments reported by the respective committees—after which the committee rose, reported the bills, &c. to the house, when they were, with one exception, severally read and ordered to be engrossed for a third reading.

[Among them was the joint resolution to authorise the president of the United States to assert, and prosecute with effect, the right of the United States to the bequest of James Smithson, late of London, deceased, to found at Washington, under the name of the Smithsonian institution, an institution for the increase and diffusion of knowledge, &c.]

Three unsuccessful attempts were made to suspend the rules with the view of taking up business out of its order, when, in pursuance of the special order, the house, at one o'clock, on motion of Mr. *Sutherland*, resolved itself into a committee of whole on the state of the union, (Mr. *Lincoln* in the chair), and resumed the consideration of the "bill making appropriations for certain harbors for the year 1836." Several amendments were offered and considerable discussion ensued, which occupied the attention of the house till it took the usual recess.

Evening session. A variety of bills received from the senate were referred to their appropriate standing committees, and will be noticed in their progress through the house. Some other business of minor importance was next transacted, when the house again resolved itself into a committee of the whole on the state of the union, and took up the harbor bill, which was amended and then laid aside.

The committee next took up the "bill making appropriations for building light houses, light boats, &c. &c." which was also amended and then laid aside. The committee then rose and, at a quarter past eight o'clock, adjourned.

Monday, June 27. On motion of Mr. *Taliaferro*, the house, by consent, took up the joint resolution to give effect to a resolution of congress, passed in the year 1789, for the execution and delivery of a gold medal to lieut. col. Henry Lee; and the same having been read twice, was committed.

Mr. *Bell* presented a memorial from a large and respectable meeting at Nashville, in Tennessee, praying congress to recognise the independence of Texas, and, in relation thereto, asked leave to submit the following resolution; which was read:

Resolved, That an appropriation be made for the outfit and salary of a minister to the republic of Texas, to be appointed by the president at as early day as shall appear to him to be expedient and proper.

Mr. *Bell* moved to suspend the rules to enable him to offer the above resolution. This motion gave rise to some discussion, when the resolution was finally laid on the table—yeas 135, nays 56.

The house agreed to suspend the rules—(ayes 113, nays 45) to enable Mr. *Vinton* to offer the following resolution:

Resolved by the senate and house of representatives of the United States of America in congress assembled, That the following shall be a standing joint rule by the two houses, viz:

That after six days from the commencement of a second session, or other subsequent sessions of any congress, except the final session of such congress, all bills and joint resolutions which originated in and had passed either house, and at the close of the next preceding session remained undetermined in the other house, shall be resumed and acted on in the house where they remained undetermined, in the same manner as if an adjournment had not taken place.

Mr. *Hawes* moved to postpone the consideration of the resolution till Friday next—Lost. After some remarks from several gentlemen, Mr. *Sutherland* moved the previous question, which was seconded; and the main question being taken, the resolution was passed.

A number of memorials, petitions, &c. were presented, among them was one presented by Mr. *Dickson*, from a large body of citizens of Mississippi, praying for the recognition of the independence of Texas; which was referred to the committee on foreign relations.

On motion of Mr. *Miller* the house went into committee of the whole and took up a bill reported by the committee on pensions, granting an increase of pension to *Ransom Clark*, a soldier who was wounded at the massacre of major Dade's command, of which he was the sole survivor. The bill was considered, reported to the house without amendment and passed.

Some other private business was next transacted, when Mr. *McKay* moved the suspension of the rules to enable him to offer the resolutions, relative to alterations in the existing tariff of duties, which will be found in our abstract of the proceedings of Friday last. Mr. *Mann*, of New York, called for the yeas and nays—Mr. *Slade* moved a call of the house—Lost. The question was then taken and the motion to suspend, lost—yeas 127, nays 72; not two-thirds.

On motion of Mr. *Connor* the rules were suspended to enable him to report the bill establishing certain post routes, which had been returned from the senate with amendments. He then reported the bill with the amendments, with the recommendation that the house concur therein, and moved that the house now go into committee of the whole on the state of the union on this bill, and the bill to reorganize the post office department, which motion was lost.

On motion of Mr. *Sutherland*, the house resolved itself into a committee of the whole on the state of the union, (Mr. *Lincoln* in the chair), in further execution of the special order of Wednesday last, upon certain bills making appropriations for harbors, rivers, military and other roads, light houses and Indian treaties.

Mr. *Sutherland* appealed to the committee to suffer the bills to be reported, and the question upon them to be speedily met, in order that other business could be acted on. The bill making appropriations for military and other roads and for examinations and surveys for the year 1836 was taken up, read through by sections—and, having been amended by striking out the paragraph making appropriations for continuing the Cumberland road in Ohio, Indiana and Illinois, and in some other unimportant particulars, it was, finally, laid aside to be reported.

The committee then took up the bill to continue the Cumberland road from Vandalia, in Illinois, to Jefferson city, Missouri; and, after some discussion, the committee, without coming to any conclusion on the bill, rose, and the house took a recess.

Evening session. The house went into committee of the whole on the state of the union, (Mr. *Lincoln* in the chair), upon the bill to continue the Cumberland road from Vandalia to the Mississippi river.

Mr. *Hawes* moved to amend the bill by striking out so much as provides that the road should be graded so as to allow its conversion into a rail road; which motion was debated by Messrs. *Hardin*, *Ashley*, *Mercer* and *Lane*, and agreed to by a vote of 98 to 38.

The bill was laid aside to be reported, and the committee took up the bill to continue the national road from the Mississppi river to Jefferson city, in the state of Missouri, and it was considered, and laid aside to be reported, with an amendment similar to the one made in the above.

The bill making appropriations to carry into effect certain Indian treaties was taken up.

The bill having been read through by sections, Mr. *Adams* wished to be informed why the treaty had not been communicated to the house by the president, as had been customary. He had been told that it was contained in a document, and he should like to know what document it was, for he had not seen it. Mr. *Cambreleng* rose, and gave the number and title of the document. Mr. *Adams* said he had not seen that document, and he thought there were not many of the members of the house who had. He said it had been remarked that it was not customary for the president to communicate such treaties; and, in reply, he referred to the journals of preceding sessions, and read a message of president Jackson to show that he had communicated a similar treaty with the Choctaws, to the end that congress might make the appropriations necessary to carry it into effect. He said it was important that the document should be examined, not only to the members of the house, but because a large portion of the Cherokee nation protested that the treaty was not made by any competent authority. He had presented a memorial from that nation a few days ago, against the treaty, the reading of which he called for.

After the reading had been proceeded in some time, Mr. *Howard* objected to the further reading, saying it was a printed document. Mr. *Adams* said it had not been laid on the tables till this day, and now the house was called upon to vote upon it. [Cries of "go on, go on."] The clerk continued the reading of the memorial. After some time, Mr. *Cambreleng* asked how much more was to be read; and if it was not the same document presented to the senate when the treaty was before them. Mr. *Adams* said, no; it was a document presented by him to the house. Mr. *Wise* said he would call for the reading of every document that was before the senate. If there was a charge that the treaty had been obtained by fraud, he would never vote a dollar to carry it into effect till that charge was removed. He would not aid in carrying into effect a fraudulent treaty against an ignorant and savage people. The clerk proceeded, and concluded the reading of the memorial.

Mr. *Adams* then moved that the committee rise and report the other bills, leaving this bill to be acted upon hereafter, when the house should be in possession of documents they had not seen, and which would fully confirm all the declarations of the memorial. He thought the house would perceive that this subject ought not to be decided hastily and without examination. Mr. *Adams* moved to strike out the first appropriation for the Cherokee treaty. Mr. *Wise* asked if the documents which were before the senate had been before the house. Mr. *Adams* said they were communicated with the memorial by him; they were confidentially communicated to the senate by the president, and after the treaty was passed, and the injunction had been taken off, he obtained a copy by sending to the president. They were ordered by the house to be printed with the memorial, and why it had not been done, he did not know. Mr. *Wise* said he understood the gentleman, and he wanted to know if those documents had been communicated in any other way than by the gentleman himself. Mr. *Adams* said that was what he had complained of last week—that the president had not communicated the treaty and the documents connected with it, according to custom.

Mr. *Wise* said that for one then, he would agree with the gentleman from Massachusetts, never to vote one dollar to carry this treaty into effect; a treaty thus impeached by a memorial ably, reasonably drawn. He would not rely upon the documents in support of it thus informally communicated by one of the Cherokee delegation to a member of the house. He wanted the documents from the president himself. It was the duty of the house to look to the money, and guard the honor of the nation, and to see that its character was not debased by the infliction of frauds upon the ignorant, and violence upon the helpless, &c. He believed, he said, that, under these circumstances, the Georgia delegation, the honorable representatives from that state, would let the house wait till it could see that the honor of the nation is not to be tarnished, now and hereafter, at home and abroad, by carrying this treaty into effect.

Mr. *Cambreleng* stated that it had not been customary for the president to communicate such treaties to the house, though it had sometimes been done upon a call of the house upon the executive therefor. Mr. *Owens* urged the committee not to delay their action upon the bill. If the committee intended to defeat the appropriation, they would agree to the motion of the gentleman from Massachusetts, that the committee should rise. He thought, if the appropriation was delayed four-and-twenty, or eight-and-forty hours, it would be defeated, inevitably. The documents, he said, had been before the house some time, and gentlemen could have informed themselves sufficiently upon the subject. If gentlemen would look at them, they would find that the wrongs set forth in the memorial were only imaginary wrongs; and that the treaty had been negotiated in an open, fair, and honorable manner. He then went at length into an examination of the history and details of the treaty, and called for the reading of two documents in opposition to the statements of the memorial. He argued that the memorial was not true in facts or principles, and was an attempt to impose upon the senate and the house.

Mr. *Wise* replied at some length to the remarks of Mr. *Owens*. He said this was a treaty alleged to have been obtained by fraud, from a portion only of the Cherokee nation; and he would not vote to carry it into execution, till the allegation was fully answered by the documents in possession of the executive. He spoke of the partial council by which the treaty had been agreed to, while many of the nation had been kept away

by force; and asked if such a treaty, so obtained, was to be taken by the people of this country as one to be enforced, against the protest of a large portion of the Cherokee nation. He examined the character of some of the delegates, and particularly defended the character of John Ross, one of the delegates, who came on to oppose the ratification of the treaty by the senate; and commented severely upon the character and conduct of Ridge, Schermerhorn and others, who had made it. He spoke at length upon the treatment John Ross had received from the Georgia guard, as set forth in the memorial. He was the man who had swam the river at the battle of the Horse-shoe, and at the risk of his life, brought away the canoes of the hostile Indians; and he it was who had been turned out of his own dwelling, out of the house he had built, at an expense of ten or fifteen thousand dollars, by a Georgia guard, and his property was all given to others. This, he said, was the faith and humanity of a Christian, civilized nation! He said John Ross was well known to many members of the house to be an honest, intelligent man, worthy to sit in the councils of the nation, letting alone the councils of an Indian tribe; and his objection to the treaty, and he believed it to be an honest one, was, that it would goad on the people of his nation to resistance, which would sacrifice their lives, as well as that of many of the whites. He hoped the house would pause and not appropriate the money till they had ascertained that it would be properly applied consistent with the honor of the nation.

Mr. *Wise* then renewed the motion that the committee rise, and report the bills upon which they had passed to the house. Mr. *Owens* requested him to withdraw the motion, to let a document be read showing the number of persons present a the making of the treaties. Mr. *Wise* said, if that document was to be read, he must call for the reading of others. Mr. *Adams* said, if that course was pursued, he should call for the reading of a document that would be found to have some point in it. Mr. *Wise* then insisted upon his motion. Before the committee rose, the Indian treaty bill having been laid aside, Mr. *Mercer* moved some amendments to one or two of the bills heretofore acted upon; which were agreed to. The committee having risen, and reported the several bills upon which they had concluded. Mr. *Wise* asked leave to submit a resolution calling upon the president of the United States to communicate to this house the same information in relation to the Cherokee treaty, lately ratified, which was laid before the senate. Mr. *Gillett* objected, and Mr. *Wise* moved the suspension of the rules; which was agreed to. The resolution being taken up for consideration, some debate took place, in which Mr. *Haynes* and *Granger* took part. Mr. *Mann*, of New York, moved to lay the resolution on the table. Mr. *Williams*, of N. C. asked the yeas and nays on this motion; and they were ordered. The question was taken, and the motion rejected—yeas 37, nays 99. The resolution was agreed to; and, at nine o'clock, the house adjourned.

Tuesday, June 28. Mr. *Thomas* offered, by consent, the following resolution; which was agreed to:

Resolved, That the committee on the judiciary be directed to inquire into the expediency of reporting a joint resolution, prohibiting the further issue of bonds guarantied to the territory of Florida by the Union bank of Florida, incorporated by act of the 13th February, 1833, by the governor and council of that territory.

Several unsuccessful attempts were made to suspend the rules, and a number of bills reported.

[Among the bills was a senate bill, from the committee on public lands, reported by Mr. *Lincoln*, confirming certain grants of land in Louisiana.]

The *speaker* presented a communication from the president of the United States, transmitting a report from the secretary of war, containing the information called for by a resolution of the house yesterday, in relation to the Cherokee treaty lately ratified; which was ordered to lie on the table.

Several ineffectual efforts were made to take up sundry bills out of their order; when the house, in further execution of the special order, proceeded to the consideration of the "bill making additional appropriations for the Delaware breakwater, and for certain harbors," &c. &c. which was further amended. Mr. *Wise* moved to strike out the enacting clause (in effect *to reject the bill*) and called for the yeas and nays, which were ordered. The question was then taken, and the motion rejected—yeas 52, nays 133. The bill received some additional amendments, when Mr. *Hawes* moved to strike out that clause which appropriates $100,000 for the improvement of the navigation of the river Hudson, and spoke at some length in its support. Mr. *Sutherland* moved the previous question, which was seconded. Mr. *Hardin* called for the yeas and nays on the question, "shall the main question now be put?" and they were ordered. The main question was ordered to be put—yeas 106, nays 78. Mr. *Lewis* moved a call of the house. Lost. The bill was ordered to be engrossed for a third reading—yeas 126, nays 64.

Mr. *Hawes* moved to recommit the bill to the committee of the whole on the state of the union, with instructions to strike out the clause making appropriations for the improvement of Hudson river, and thereupon he asked the yeas and nays, which were ordered. After some remarks from Mr. *Boon*, the question was taken, and the motion was rejected—yeas 60, nays 101. The house then took the usual recess.

Evening session. The house resumed the consideration of the Delaware breakwater bill, and it was read a third time, and passed without a count.

The house then took up the "bill making appropriations for the improvement of certain harbors for the year 1836, and for other purposes." Mr. *Bell* moved to strike out the enacting clause of the bill, and thereupon the yeas and nays were ordered. The question being taken, the motion was rejected—yeas 69, nays 96.

Mr. *Williams*, of Ky. called for the previous question—but the motion was not seconded. Many amendments were concurred in, when Mr. *Sutherland* moved the previous question. After the amendments, (fifteen in number), to be set aside by the previous question had been read, on the call of Mr. *Mercer*, the main question was ordered—yeas 104, nays 93. The question was then taken on the engrossment of the bill, which was ordered to be read a third time, forthwith—yeas 104, nays 93. The bill was now read a third time, and the question being on its passage, Mr. *Hawes* moved to commit it with instructions to strike out the appropriations for Cattaragus harbor, &c. Mr. *Sutherland* moved the previous question, which was seconded and the main question ordered to be put. Mr. *Wise* moved that the house adjourn. Lost. The question on the passage of the bill was then taken, and decided in the affirmative—yeas 99, nays 85. So the bill was passed.

Mr. *Wise* again moved that the house adjourn. Lost.

The house then took up the bill making appropriations for light houses, beacon lights, light boats and the survey of certain harbors, reported from the committee of the whole, with certain amendments. The amendments were concurred in by the house, and the bill was ordered to be engrossed for a third reading, and to be read a third time this day. The bill was then read a third time. Mr. *Lane* called for the previous question on the passage of the bill, which was seconded—he then called for the yeas and nays on the passage of the bill, which were ordered. The question was then put, and the bill passed without a division.

Mr. *C. Johnson* moved that the house adjourn which was lost—yeas 55, nays 67. The house then took up the bill making appropriations for the continuation of the Cumberland road. Mr. *Mann*, of N. Y. moved the previous question, which was seconded by the house. An adjournment was then called for, and carried in the affirmative—yeas 60, nays 53. So the house, at half past nine o'clock, adjourned.

Wednesday, June 29. On motion of Mr. *Connor*, the rules were suspended for the purpose of taking up the post route and post office organization bills, returned with amendments from the senate. The house went into committee of the whole on the state of the union, (Mr. *Casey* in the chair), and took up for consideration the bill to reorganize the post office department.

The question being on the motion of Mr. *Phillips* to amend the senate amendment which strikes out the two sections preventing the postmasters from deriving any profit from post office boxes, by providing that the emolument derived from this source shall not exceed $2,000 a year—After some remarks from Messrs. *Briggs*, *Gideon Lee*, *Ingersoll*, *Phillips*, *Mason*, of Va. *Reed*, *Connor*, *Williams*, of N. C. *Grennell*, *Underwood*, *Anthony*, *Love* and *E. Whittlesey*, the motion of Mr. *Phillips* was rejected, and the senate amendment was concurred in. Several amendments of the senate were then disagreed to, and amongst the rest the amendment increasing the salaries of certain officers and clerks of the department. The bill was laid aside, and the committee took up for consideration the bill to establish certain post routes, and discontinue or alter others; and the amendments of the senate were concurred in.

The committee then rose, and reported that they had had under consideration the above bills, and concurred in some of the amendments, and disagreed to others.

The question being on the concurrence of the house in the recommendation of the committee of the whole to agree to some amendments and disagree to others, Mr. *Lane* asked, what would be the effect of the previous question if ordered at this time? The speaker replied that it would bring on the main question in the concurrence of the house with the senate in their amendments. Mr. *Lane* then moved the previous question.

Mr. *Adams* hoped, he said, that the gentleman would withdraw the motion. He wished to have an opportunity to record his vote on the amendment of the senate striking out the restriction as to the emoluments derived from boxes, for he considered that as one of the most exceptionable modes in which salaries could be increased without authority of law. He hoped also that the house would reject the proposition of the senate to increase the salaries of the officers of the department, and wished the house to have an opportunity to vote directly on that amendment.

Mr. *Lane* persisted in the motion, and it was seconded by the house—85 to 40. The main question was ordered to be put, and it was divided, so as to take it separately on each amendment, if desired. The amendments, not accepted, were concurred in without a count. The question being next on the amendment adding a clause to the 23d section, providing that contractors who may refuse to perform their contracts shall receive no pay, and that no contract shall be taken at a rate exceeding by more than five per cent. the amount of the lowest bid. Mr. *Everett* asked the yeas and nays upon the amendment, which were refused. The amendment was concurred in.

The question was taken next on concurrence in the amendment of the senate, increasing and fixing the salaries of certain

officers and clerks of the department. Mr. *Heister* called for the yeas and nays on the question, and they were ordered, and were—yeas 107, nays 75. So the amendment was concurred in.

The question being on the amendment of the senate, striking out the 43d and 44th sections of the bill, which prevent the postmasters from deriving any profit from their boxes or pigeonholes, Mr. *Underwood* called for the yeas and nays; which were refused. The amendment was then concurred in by a vote of 89 to 41.

The remaining amendments were concurred in.

The amendments to the post route bill were concurred in.

The rules were suspended (yeas 120, nays 29) to enable Mr. *Briggs*, from the committee on enrolled bills, report a bill fixing the time for the annual meeting of congress on the 1st Monday in November.

The resolution was then offered, and Mr. *Vinton* moved to amend it by instructing the same committee to report a joint resolution fixing a day for the adjournment of the two houses of congress. Mr. *Wardwell* moved the previous question; which was seconded, and the original resolution of Mr. *Briggs* was adopted. Mr. *Briggs*, from the committee on enrolled bills, reported a bill fixing a day for the annual meeting of congress, in conformity with the resolution. Objections were made to the order of the proceeding, but it was decided that it was always in order for the committee on enrolled bills to report.

The bill was read twice; and the question being on its engrossment, Mr. *Pierce*, of N. H. called for the yeas and nays. Refused. Mr. *Hannegan* moved to amend the bill by adding a section providing that the *per diem* compensation of members of congress shall hereafter be six dollars a day.

Mr. *May* moved the previous question, which was seconded. Mr. *Mann*, of New York, moved to lay the motion and the bill on the table. Lost. The main question was ordered to be put. Mr. *Hannegan* asked the yeas and nays; and they were ordered. The question being taken on the engrossment of the bill for a third reading, it was decided in the affirmative—yeas 99, nays 93. The bill was then ordered to be read a third time this day.

Mr. *Adams* moved that the bill be recommitted to the committee on enrolled bills, with instructions to amend it so as to confine its effect to the next session of congress, instead of rendering it a permanent law. Mr. *Miller* opposed the motion, but moved that the further consideration of the bill be postponed till to-morrow. Mr. *Pearce*, of R. I. moved the previous question. Mr. *Speight* moved to reconsider the vote ordering the bill to a third reading, but it was pronounced to be out of order, as the previous question had been demanded. The motion for the previous question was seconded by a vote of 98 to 53.

The main question being then taken on the passage of the bill, it was decided in the affirmative, as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Anthony, Ash, Ashley, Bailey, Beale, Bockee, Borden, Briggs, J. Calhoon, J. Chambers, Chapin, Childs, Clark, Corwin, Craig, Crane, Davis, Deberry, Dickerson, Doubleday, Dunlap, Effner, Evans, Everett, Fairfield, Farlin, Galbraith, Granger, Grantland, Graves, Grayson, Grennell, Haley, Joseph Hall, H. Hall, Hard, Hardin, Harlan, Samuel S. Harrison, A. G. Harrison, Hawes, Henderson, Howell, Hubley, Hunt, Huntington, Huntsman, W. Jackson, J. Jackson, Janes, Jarvis, R. M. Johnson, C. Johnson, B. Jones, Judson, Kennon, Kinnard, Lane, Lay, G. Lee, Love, W. Mason, Moses Mason, Maury, May, McCarty, McKennan, McKim, McLene, Mercer, Muhlenberg, Owens, Parks, D. J. Pearce, Phelps, Phillips, Potts, Joseph Reynolds, Seymour, W. B. Shepard, Shields, Shinn, Slade, Smith, Spangler, Sprague, Storer, Sutherland, Taliaferro, Taylor, Toucey, Turner, Vanderpoel, Wardwell, Washington, Weeks, E. Whittlesey, T. T. Whittlesey, Wise—101.

NAYS—Messrs. J. Q. Adams, Bean, Beaumont, Bell, Bond, Boon, Bouldin, Boyd, Brown, Buchanan, Burns, W. B. Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chapman, N. H. Claiborne, J. F. H. Claiborne, Coles, Connor, Cushman, Darlington, Denny, Dromgoole, Forester, Fowler, French, Fry, W. K. Fuller, J. Garland, R. Garland, Gillett, Hamer, Hannegan, Hawkins, Haynes, Hazeltine, Heister, Hoar, Howard, Ingersoll, Jenifer, J. W. Jones, Kilgore, Lansing, Lawler, Lawrence, T. Lee, L. Lea, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, A. Mann, Job Mann, Martin, J. Y. Mason, Sampson Mason, McKay, McKeon, Miller, Milligan, Montgomery, Morris, Page, Parker, Patterson, Patton, F. Pierce, Pettigrew, Pinckney, Reed, John Reynolds, Roane, Robertson, Rogers, Schenck, A. H. Shepperd, Sickles, Speight, Standefer, John Thomson, Underwood, Vinton, Wagener, Ward, Webster, White, L. Williams, S. Williams—95.

So the bill was *passed*.

The house, in pursuance of the special order, took up for consideration the bill for the continuation of the Cumberland road in the states of Ohio, Illinois and Indiana, reported from the committee of the whole, with various amendments thereto. The question being on the motion of Mr. *Everett* to lay the bill on the table, it was taken, and the motion rejected.

Thursday, June 30. After the bill from the senate to extend the charters of the District banks had been amended, so as to renew their charters, as they now exist, till the 4th of July, 1838, the house went into committee of the whole for the further consideration of the bill making appropriations to carry into effect certain Indian treaties. It caused an animated discussion, and was not disposed of at the period for the usual recess.

Evening session. On the speaker's resuming the chair, at 4 o'clock, he announced the following message from the president of the United States:

Washington, June 30, 1836.

To the senate and house of representatives:

It becomes my painful duty to announce to you the melancholy intelligence of the death of James Madison, ex-president of the United States. He departed this life at half past six o'clock, on the morning of the 28th instant, full of years and of honor.

I hasten this communication, in order that congress may adopt such measures as may be proper to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country, and to the good of mankind.

ANDREW JACKSON.

The message having been read, Mr. *Patton*, of Va. arose, and, after pronouncing a brief but eloquent panegyrick upon the exalted virtues of the departed patriot, moved a resolution that a committee be appointed by the house to join such committee as may be appointed by the senate, to express the sensibility of the nation upon the melancholy event. Mr. *Adams* next addressed the chair, and expressed his deep admiration of the deceased's life of usefulness and glory, which had placed him among the benefactors of mankind, &c.

A message was received from the senate informing the house that they had appointed a committee, to join such committee as may be appointed by the house, &c. The house then concurred in the resolution, and, according to a previous order, the committee was ordered to consist of one member from each state in the union; and the following gentlemen were appointed:

Messrs. Patton, of Virginia; Mason, of Maine; Cushman, of New Hampshire; Adams, of Massachusetts; Toucey, of Connecticut; Pearce, of Rhode Island; Allen, of Vermont; Ward, of New York; Parker, of New Jersey; Anthony, of Pennsylvania; Milligan, of Delaware; Washington, of Maryland; Deberry, of North Carolina; Griffin, of South Carolina; Coffee, of Georgia; Johnson, of Kentucky; Dunlap, of Tennessee; McLene, of Ohio; Ripley, of Louisiana; Carr, of Indiana; Claiborne, of Mississippi; Reynolds, of Illinois; Lyon, of Alabama; Harrison, of Missouri.

[The senate's committee is composed of Messrs. Rives, Clay, Calhoun, Grundy, Buchanan, Leigh, and Tallmadge.]

The house then resumed the discussion of the Cherokee treaty appropriation, and continued engaged therein when the Intelligencer, from which we make our abstract, paper went to press.

FLORIDA WAR.

BATTLE OF MICANOPY—OFFICIAL.

Micanopy, June 10, 1836.

GENERAL: I have the honor to report that yesterday morning a party of Indians, estimated at 150 to 200, made their appearance in front of this place, at the distance of about three-quarters of a mile. Their object was evidently to draw us out; and not having any disposition to baulk their views, I directed captain Lee to take his company and skirt a hammock on the right of this post, and again the left of the enemy. At the same time I directed lieutenant Wheelock to mount with his dragoons, and make a corresponding movement on the left, and lieutenant Humphreys, with a detachment of D and E companies of the 2d United States artillery, to move across a field in front holding a six pounder with a few men in reserve.

The promptitude with which my orders were complied with, brought the three detachments immediately in contact with the enemy. Seeing the heavy fire of the enemy, I became at once satisfied they were treble our numbers, and immediately moved forward with the six pounder. The horses not being well broke, I was obliged to cast loose the prolonge. I had hardly done this, and while waiting a flank movement of lieutenant Wheelock to unmask the six pounder, when I received a message that the Indians were coming on the rear of this place.—Having left a few teamsters and citizens in charge of the work, I deemed it proper to move back with the gun, and gave the directions accordingly. Taking myself a shorter route across a field, I arrived a few moments before the gun; and finding the report to be untrue, I directed lieutenant Talcott, 3d artillery, to return to the field at full speed, while with a few men I reconnoitered the rear of our position.

After an hour and twenty minutes hard fighting under a broiling sun, our troops returned, having driven the enemy two miles into their strongholds. The gallantry and good conduct of both officers and men is beyond all commendation I am able to bestow; and it is with deep regret I have to report captain Lee, 3d artillery, severely, but not dangerously wounded. He was shot early in the action, but directed his men to press forward, which they did manfully.

I enclose Dr. Maffitt's report; and let me express my acknowledgments to Mr. Center, a resident of this place, for his unremitting kindness and attention to our wounded men and ourselves generally.

Some individual acts of gallantry will form a special report from the officers immediately in command of the troops.

I received 800 rounds of cartridges last night from Fort Drane, and shall move there to-morrow morning. Lieutenant Burke, 3d artillery, with his company, reached that place at 11

o'clock last night. I shall write you on my arrival there. I am, very respectfully, your obedient servant,

J. F. HEILEMAN, *major 2d U. S. artillery.*

Gen. Eustis, commanding forces in Florida.

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War department, adjutant general's office.
Washington, June 25th, 1836.

GENERAL ORDER.

The gallantry and good conduct of the officers and troops in the action of the 9th June, with the Seminole Indians, near Micanopy, in Florida, where they met and defeated a very superior force of the enemy, merit the thanks of the president; and in consideration of the meritorious conduct of the commander of the detachment of regular troops, major JULIUS F. HEILEMAN, of the 2d regiment of the United States artillery, the president of the United States has been pleased, and he hereby confers, on that officer, the brevet of lieutenant colonel in the army.

By order, R. JONES, *adjutant general.*

THE CREEK WAR.

We publish the following "order," issued by general Scott, which was received at the adjutant general's office last week. The arms and ammunition has doubtless arrived, and the troops are, ere this, in full operation: [*Globe.*

ORDER, NO. 8.

Head quarters, army of the south, Columbus, Ga. June 16, 1836.

All the troops of the Georgia line will hold themselves in readiness to take the field the moment the arms and ammunition, now daily expected, shall arrive.

As an indispensable preparation, every mounted officer of every rank, and every mounted man, will immediately provide himself with a wallet capable of carrying three days supply of corn for his horse. Commanding officers will see that this preparation will be made at once.

Haversacks are provided for all the volunteers and drafted men, whether mounted or on foot. To obtain them, requisitions will be made on the United States' quartermaster at this place. Each man will be careful to mark his wallet and haversack with his name, as soon as they come into his hands.

The baggage of officers and companies, at the commencement of the first march, must be reduced to the smallest amount.—All heavy and superfluous articles will be left behind. Troops to pursue an enemy with success, must move lightly; no company, therefore, can be allowed to take into the enemy's country more than four tents for officers and men. Commanders of every rank will look strictly to the due execution of this order, or the army will be rendered utterly incapable of active movements by the overwhelming weight of its baggage train.

Light camp kettles and mess pans have been provided for the troops. Cast iron ovens, skillets and the like, are too heavy to be allowed to go into the wagons, which are principally to be loaded with ammunition and subsistence for men.

WINFIELD SCOTT.

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Head quarters, at Long's, June 15th, 1836.

GENERAL: I have received your letter of the 10th inst. since I left Tuskeegee for Irwinton, or rather for the lower line of the Creek country. I arrived here about five o'clock, yesterday: having been deceived by the mistake of a guide, I passed the Irwinton road nine miles. I am within four miles of Nehor Mico's camp. He has gone to the neighborhood of Tuskeegee to surrender himself. I received and disarmed thirty-four of his people, who had left his camp, professing to be friendly. I have with me twelve companies, seven mounted and five infantry, and expect to be reinforced by two companies to-night. I have also four hundred Indian warriors; and expect to be reinforced to-morrow by five hundred under the celebrated chief, Opothle Yoholo. I find it impossible to obtain either corn or subsistence here; the hostile Indians have destroyed all that they have not taken away.

June 16. I am now at the Big Spring, within fourteen miles of Fort Mitchell, and shall move on Nehor Mathala's camp to-morrow. A detachment of Indian warriors, from this division, captured Nehor Mathala and his son last evening, and they are now prisoners in my camp.

I wish captain Page to join me as soon as possible. If he had been with me I would have organized, before this time, an emigrating party of several hundred.

I have to request that provisions and corn be sent to Fort Mitchell. I have only five days' rations, and not a grain of corn. My movement to this point has, I understand by a gentleman who arrived to-day, tranquillized the frontier. A party of two came through to-day.

If I should not obtain supplies at Nehor Mico's camp, I shall probably be compelled to fall back on Fort Mitchell, or to a position near it. I hope to receive orders from you at that place, to which, if I do not go myself, I shall send wagons for subsistence. I am, general, most respectfully, your obedient servant, (Signed) THOS. J. JESUP,

2d army corps of the southern army.

Maj. gen. Scott, commanding the southern army, Columbus, Ga.

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From the Columbus (Ga.) Sentinel.
Head quarters, Ga. Columbus, 15th June, 1836.

ORDER.

The commander-in-chief having heard various and contradictory reports of the battle fought at Dr. Shepherd's plantation, between a detachment of Georgia volunteers, composed of a part of the Gwinnett company, commanded by capt. Garmany, with a part of the Stewart company under command of captain Ball and major Jernigan; and a party of Creek Indians—deemed it due to the character of the state and her brave sons, to obtain a correct statement of the facts connected with this unfortunate though glorious achievement. For this purpose he applied to captain Garmany, now confined to his bed by a wound received in the battle, and has obtained the following circumstantial account of the rencontre, which it is hoped will disabuse the public mind of the false impressions made by the various slanderous reports which have been circulated to the prejudice of this small though gallant band. Georgia may well be proud of such sons, and may rest assured that her honor will never suffer when committed to the care of Georgia volunteers, whose motto is "DO OR DIE."

By order of the commander-in-chief:

OSSIAN GREGORY, *aid-de-camp.*

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Columbus, June, 14th, 1836.

His excellency Wm. Schley:

DEAR SIR: On Wednesday evening, the 8th, my company was, by order of major Howard, stationed at Dr. Shepherd's plantation, about four miles above Roanoke. That night I placed out three picket guards, four men in each; one picket two and a half miles from the camp, where the Indians were expected to cross; one picket one and a half miles, and the third one, a quarter mile from camp. My picket guards remained at their posts till about an hour by sun in the morning, and returned. I had sixteen police guards out the same night, which were relieved every two hours. That night no Indians were seen by either of the guards. Next morning I received an order from major Howard to send an officer and twenty men up to Fort McCreary, four miles up the river, to guard that place until 3 o'clock, when he would send another company down to take charge of the fort, which had been vacated by the troops, whose time of service had expired, which order was obeyed. As soon as these 20 men left, colonel Gibson and four of my men, went to the river, in order that colonel Gibson would show them all the places where the Indians would be likely to cross, he being well acquainted with their places of crossing. After scouting up and down the river, they returned about 10 o'clock without having seen any Indians. About that time major Jernigan, with about 25 men, came to our camp, and about 12 o'clock he left on a scouting party on the river, and when we seperated he told me if I should hear him in an engagement to come to his assistance. That being the first day from the time we had entered the service when we had an opportunity of washing our clothes, I recommended to my men for some of them to wash their shirts, as they were very dirty, having left our clothes at Fort Ingersoll, when we were ordered down the river on the Sunday previous, with an expectation of returning in two days to get our clothing. The men had finished their washing and hung their clothes out to dry, and were just eating their dinner. Between 2 and 3 o'clock, I heard firing commence about half a mile from where we were —supposing that maj. Jernigan and his men had been attacked, I ordered my men to parade immediately, and leave their dinner. We left our horses and all our clothes, and indeed every thing we had except the clothes we had on, and several of the men had no shirts on, and we repaired immediately to the firing, leaving one man in the house to take care of our things. After we marched half a mile, and found the Indians prepared for battle, we made the attack. I directed my men to reserve their fire until they would be sure to make an effective fire. When in about one hundred yards, I directed the men to fire; a number of Indians fell; I am certain 6 or 7—they were carried back, and the Indians retreated till they came to their commander, who was on horseback, and formed the line; we then gave them another fire, which they returned—my company then stood firm until they fired four rounds, the Indians keeping up a regular fire. They again retreated until they reached their commander. Every time they retreated they were reinforced to the number, I think, of at least 250 Indians; and as long as I could keep them in front, they were repulsed every time. But they became so numerous, and my company consisting of only 42 men in line at the time, the enemy began to flank us. I found it necessary to order my men to retreat, and fire on the retreat, which we did; directing half my men to face to the right and the other to the left, and fire upon their flanks, to keep them from surrounding us. After having retreated and firing in this way about half a mile, we reached a small field, and used the fence as a breastwork, until we fired two rounds. By this time the enemy had succeeded in dividing our men. By firing on the left flank, myself and about ten more succeeded in getting possession of the yard; at the time I entered the gate, the enemy had succeeded in getting into the opposite side of the yard, but we succeeded and drove them from their position. They then fled to the gun house, and we took a position and watched an opportunity to shoot as they passed around the house. I directed my men not to fire until they could be certain to kill. They obeyed my orders. I took a position behind two trees, so situated that they could not see me, and from that place I am certain I killed an Indian who was attempting to get one of our horses over the fence. When he fell another attempted to get the same horse, and before he succeeded in getting the horse, I shot him and he fell within three feet of the other. I then loaded again, and just at that moment three

other Indians passed round the corner of a small house forty yards from us. Two of my men shot, which stopped two; and the other shot me through the thigh, which caused me to fall. The Indian drew his knife and made towards me. I raised up and shot him and he fell. At the time I fell it produced a panic amongst those of my men who were present, and they cried out our captain is dead. I called to them I was not dead, but to fight on. After killing the Indian after I was wounded, I drew my pocket pistol, determined still to defend myself, and called to my men to turn the horses out of the lot; which they did. All of my men that were near continued to fight. During all this time my men, who were on the other flank of the enemy, continued to fight with vigor and energy.

Just at this moment, major Jernigan, of Stewart county, who was at Fort Jones, three miles below the battle ground, arrived with a small detachment of men, not exceeding thirty, and charged upon the Indians, which diverted them from us and enabled me to make my escape. One of my men seeing I was wounded, brought me a horse, took me up behind him, and carried me to Fort Jones; and all the men attempted their escape in the best way they could.

About this time my men who had been sent to Fort McCreary, and had heard the firing, came and charged through the ranks of the enemy; but they were too late to render much assistance. Four of my company had been left sick at Fort Ingersoll, and two others to wait on them, and two or three of my company had gone to the shop to get their horses shod. These things account for the few men I had in the action.

Now, sir, let me say to your excellency, that those of my company who had an opportunity in the engagement, acted with great bravery and firmness. Every man of them stood firm until ordered to retreat, and I cannot conclude this communication without bearing testimony to the courage and bravery of major Jernigan and his men, who came to our assistance. In my company we have lost seven killed and four wounded, none thought to be dangerous—of major Jernigan's men, four killed and three wounded. Of my men dead, ensign Lacy, orderly sergeant James C. Martin, James H. Holland, Robert T. Holland, James M. Allen, Wm. M. Sims, (by exhaustion), J. A. V. Tate and H. W. Peden. Wounded, captain Garmany, John R. Alexander, Thomas W. Hunt and William Stapp. I thought there were from twenty-five to thirty Indians killed, but col. Gibson, who has since visited the battle ground, is clearly of the opinion the number of the Indians killed must have been much greater. Very respectfully, your obedient servant,

HAMILTON GARMANY,
captain of the Gwinnett mounted men.

Those of the Stewart company who fell in the battle were, David Delk, esq. Jared Irwin, esq. captain Robert Billups and a young man by the name of Hunter. They were all gentlemen of the first standing. Mr. Delk was a member of the bar, and occupied a very respectable station in his profession. Mr. Irwin was clerk of the inferior court of Stewart county. Their loss will be long regretted by the citizens of Stewart county and their numerous friends. [*Eds. Sentinel.*

COMMERCE AND NAVIGATIOM.

From the New York Journal of Commerce.

The annual statement of the commerce and navigation of the United States, for the year ending 30th September, 1835, was submitted to congress on the 18th of last month, and ordered to be printed. This, of course, is not yet accomplished, the documents comprising 300 or 400 pages, but we are enabled to state the general results.

The imports during the year, ending the 30th of September last, amounted, in value to $149,895,742, of which there was imported in American vessels $136,288,865, and in foreign vessels $14,606,877. The exports during the same year amounted to $121,693,577, of which $101,189,082 were of domestic and $20,503,495 of foreign articles. Of the domestic articles, $79,022,746 were exported in American vessels, and $22,166,336 in foreign vessels. Of the foreign articles, $15,112,445 were exported in American vessels, and $5,392,050 in foreign vessels. Of American shipping 1,352,653 tons entered, and 1,400,517 cleared from ports of the United States. Of foreign shipping 641,310 tons entered, and 630,824 cleared.

The registered tonnage, as corrected at the register's office, for the year ending Dec. 1834, is stated at.....857,438 42-95
The enrolled and licensed tonnage at.....783,618 65-95
And the fishing vessels at.....117,850 02-95

Tons, 1,758,907 14-95

Of the registered tonnage, there was employed in the whale fishery, 108,060 14-95

The total tonnage of the shipping built in the United States, during the year 1834 was, viz:
Registered,.....52,622 60-95
Enrolled,.....76,707 72-95

Tons, 118,330 37-95

The greatest imports to any previous year, were in 1816, at the close of the war, when they amounted to $147,103,000—being $2,792,742 less than last year: and the greatest exports in 1807, when they amounted to $108,843,150, or $12,850,427 less than last year. Of the exports in 1807, only $48,699,592 consisted of domestic articles, whereas last year the domestic exports amounted to $101,189,082. [The year in every case, unless otherwise specified, ends 30th September.] In 1834 the imports amounted to $126,521,332 being $23,374,410 less than in 1835; and the domestic exports to $81,024,162, or $20,164,920 less than 1835.

The tonnage which entered the ports of the United States in the year ending the 30th September, 1835, was 1,993,963 tons, as stated above, being a greater amount by 351,241 than entered during the previous year. Of this increase, 277,983 tons was American shipping, and 73,258 tons foreign shipping. Showing a comparative gain in favor of American. The same remaks, with some slight variations, are applicable to the clearances.

The statement of actual tonnage owned in the United States, indicates a corresponding increase. The returns for the year ending December, 1834, show a greater amount than in any former year. This is seen from the annexed schedule; but the increase would be still more apparent, were it not for the errors which crept into the returns for some years previous to 1729, by including sundry vessels which had been lost, or sold out of the country. In 1829 such vessels were thoroughly expurgated from the list, which accounts for the great apparent falling off that year in the amount of shipping.

A comparative view of the registered, enrolled and licensed tonnage of the United States, from 1815 to 1834 inclusive.

Years.	*Registered tonnage.* Tons & 95ths.	*Enrolled and licensed tonnage.* Tons & 95ths.	*Total tonnage.* Tons & 95ths.
1815	854,294 74	513,833 04	1,368,127 78
1836	800,759 63	571,458 85	1,372,218 53
1817	809,724 80	590,186 66	1,399,911 41
1818	606,088 64	609,095 51	1,225,184 20
1819	612,930 44	547,821 17	1,260,751 61
1820	619,047 53	661,170 66	1,280,166 24
1821	619,896,40	679,062 30	1,298,958 70
1822	628,150 41	696,548 71	1,324,699 17
1823	639,920 76	696,644 87	1,336,565 68
1824	669,972 60	719,190 37	1,389,163 02
1825	700,787 08	722,323 69	1,422,111 77
1826	737,978 15	796,212 68	1,534,190 83
1827	747,170 44	873,437 34	1,620,607 78
1828	812,619 37	928,772 50	1,641,391 87
1829	650,142 88	610,654 88	1,260,977 81
1830	575,476 33	615,301 10	1,191,776 43
1831	620,451 92	647,394 32	1,267,846 29
1832	686,989 77	752,460 39	1,439,450 21
1833	750,026 72	856,123 22	1,606,149 94
1834	857,438 42	901,468 67	1,758,907 14

GENERAL LAND OFFICE.

In order to afford some evidence of the vastly increased amount of business in the general land office, it has been ascertained that *since the commencement of the present session of congress*, there have been answered three thousand one hundred and sevety-seven letters, occupying *one thousand seven hundred and seventy-one* folios of the records, demi paper, inclusive of reports made to both houses of congress.

The estimated number of pages of paper containing copies of letters and documents of various descriptions accompanying the aforesaid letters, is *nine hundred* pages, which, with the records of briefs of pre-emption cases, and the registry of letters received, constitute, with the pages occupied by the letters recorded, an aggregate of three thousand four hundred pages of paper occupied by such correspondence and reports during the same period; and accompanying which were upwards of *seventy maps of states, sections of states, land districts*, and *Indian cessions*.

The foregoing account is *exclusive* of the following items, which are printed, viz: circular letters, proclamations, notices, forms of bonds, and letters accompanying the same; also of *five hundred and forty-nine* letters, being applications to the secretary of the treasury for the *issue of scrip*, which are printed blank forms. Also, *exclusive* of the number of pages occupied by *hundreds of exemplifications* of patents prepared to meet demands during the same period, and of all tabular statements, (involving considerable research and calculation) which accompanied the reports and documents aforesaid.

There are *seventeen* regular clerks in the office, and *sixteen* temporarily employed. In conducting the correspondence, about *one-fifth* of the whole force may be said to have been regularly employed. Frequently *one-fourth* have been engaged, and sometimes a greater number, in transcribing the documents connected with the correspondence, the records of which are fully kept up to date.

It may fairly be estimated that during nearly the whole of the same period the attention and research occasioned by verbal inquiries in various branches of business, and personal calls where no written correspondence appears, occupied *thirty-five* per cent. of the time of many of the clerks engaged in conducting this correspondence. For the accomplishment of this amount of labor, as might be supposed, a much greater amount of time than the regular office hours has been devoted.

[*Globe.*

GEN. SCOTT AND MR. WHITE.

The Tallahassee *Floridian* of the 11th instant contains a letter from colonel *White*, the delegate from Florida, to general *Jackson*, dated 28th ult. asking that general *Scott* be relieved from the command in Florida. As the letter will doubtless be

read with interest, we give it entire below, with the note requesting its publication. [*Charleston Courier.*

Washington, May 29.

DEAR SIR: I must request that you will, without delay, give a place to the enclosed letter. I have no idea of permitting any major general to denounce as cowards, flying before five Indians, the whole population of Middle Florida without stopping to see whether they were "squaws or warriors." I am your most obd't. JOS. M. WHITE.

Washington, May 28.

SIR: By orders recently issued from the war department, it is directed, that should major general Scott leave the head quarters of the army in Florida and retire from that command, it will devolve on brigadier general Clinch. This order leaves to the discretion of general Scott the period of his departure. It is with the greatest pain that I feel myself constrained, by a sense of duty to my constituents, respectfully to ask that gen. Scott be relieved from that command. No man has more admiration for the gallantry, or respect for the former military achievements of general Scott than I have.

From the present attitude of affairs, and unfortunate and disgraceful occurrences which have happened in that quarter, the public interests, as well as the lives, security and property of the inhabitants imperiously require the order I have recommended. There is no harmony between him and the public authorities of the territory—and it is evident that he is in the highest state of exasperated feeling, on account of an atrocious outrage on all decency and propriety, in burning him in effigy at Tallahassee. This infamous proceeding, which ought to have been arrested and punished by the authorities at the seat of government, does not justify general Scott for the degrading epithets and insults he has offered to a whole population. In his published orders, he represents the conduct of the people of Middle Florida as "infinitely humiliating"—and the people "wild with fear," possessed of "disease so general and so degrading."

This is not the usual language of a major general, commanding on our frontier; and should not, under any circumstances, be resorted to, whatever may have been the disappointments and wounded sensibilities of a commanding general. I ask, upon what authority he says there were just "five Indians," who had produced that consternation, panic and flight, of which he has drawn a picture so derogatory to the whole population? It is well known that the Indians never show their whole force; and if five have penetrated into the country from the Indian boundary, to within a few miles of the seat of government, a much larger number will soon follow. As general Scott did not succeed with *five thousand* men in destroying *five* Indians, he might have spared the inhabitants he has left defenceless, such degrading denunciations. As that, however, is an affair between him and the governor, as to the number of the enemy, and the defence of Middle Florida, I shall proceed to what is the object of this communication.

My purpose is most respectfully to request an inquiry into the manner of conducting the late campaign in Florida, and into the conduct of the major general commanding, for having gone into summer quarters the last of April, leaving the country without defence, and the inhabitants at the mercy of the Indians.

Major general Scott had power to call upon the governors of South Carolina, Georgia and Alabama, for any number of men that he might consider necessary to put an end to the war. Congress by law had provided ample means, and whilst he was in command, the governor of Florida had no power to call for troops. General Scott, after an unsuccessful campaign, *disbanded* the whole militia force; but the term of service of a portion of it only had expired and he has neither called, by draft, or for volunteers, or for any further militia force. He has on the contrary *refused* the acceptance of some that was offered, and has disarmed the militia of East Florida.

When called upon to furnish an adequate defence for the protection of that frontier, he complains of his limited means, when it is apparent from the above statement, that his means are only limited by his own discretion, and that he has the power at any moment to order any number from Georgia or South Carolina. He admits that 3,000 men are necessary to subdue these Indians, and that he has but 1,000 under his command. Now, I ask, why it is that he has not these 3,000 men in the field that he deems necessary? He, and he alone, is responsible, for all the lives and property of the inhabitants that may be destroyed, for the want of that protection and security, which every citizen has a right to look for from his government. Added to this, the feelings of the people are outraged, by representations calculated to degrade and expose them to ridicule throughout the United States.

These people you are aware, are sparsely settled over an extensive territory, in detached neighborhoods, without any dense population to fall back upon, and without any fortified places in which to place their wives and children in safety. If upon the first sound of alarm, some small neighborhood should go in pursuit of even *five* Indians, they might, as they did with gen. Scott's grand army, dodge out of the way, and fall back upon the women and children in the rear. It is however unnecessary to detain you with these details. The complaint I make is, that major general Scott has left that country without adequate protection, and has not a sufficient force for either offensive or defensive operations. He has produced a state of feeling that forbids all harmony or concert with the local authorities, or the people of the country, and the public interest imperatively demands his immediate withdrawal.

I have the honor to be, with the highest degree of respect, sir, your most obedient servant, JOS. M. WHITE.

To Andrew Jackson, president, U. States.

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From the Charleston Courier.

Charleston, June 21.

I have seen in your paper of yesterday, the letter, addressed by Joseph M. White, delegate from Florida, to the president of the United States, demanding the immediate recall of general Scott. In requesting the publication of this epistle, Mr. White states that he has "no idea of permitting any major general to denounce as cowards, flying before the whole population of Middle Florida, without stopping to see whether they were squaws or warriors.

Perhaps Mr. White may "have no idea of permitting" the governor of the territory to make a similar denunciation. To afford him an opportunity, if he deems it expedient, of addressing another letter to the president, demanding the removal of the governor, as well as the major general, I request you to publish the accompanying copy of a letter from governor Call to gen. Scott, acknowledging the order No. 48, and fully reciprocating his opinions of the conduct of the people of Florida.

Mr. White asks, "upon what authority gen. Scott says there were just 'five Indians,' who produced the consternation," &c.

I answer, on the authority of col. Gadsden, quarter master general of Florida, who was in the vicinity, and stated that, among other facts, in a letter to gen. Scott, and who did his utmost, unhappily without success, to allay the panic and to stay the fugitives.

[COPY.]

Tallahassee, May 26.

SIR: I have the satisfaction to acknowledge the receipt of your letter of the 17th inst. and a copy of your order, No. 48, by express.

Before you returned from the field, having heard that the Indians had reappeared in Alachua, I ordered col. Sanchez, of that county, to call out the whole available strength of his regiment, and col. Warren to send fifty horsemen from Duval, for the purpose of protecting the frontier. I subsequently divided East Florida into two districts, giving major Putnam charge of that east of St. Johns, and col. Warren that between the St. Johns and the Suwannee rivers, with authority to each of those officers to call, from the respective districts, such number of men as would effectually hold the enemy in check, and give security to the settlements. The population of that county [Alachua] was fully adequate, with the aid of the regular force, to perform this duty. But it appears they have retired, without resistance, leaving the enemy in undisturbed possession of their homes. *A panic highly dishonorable to the whole country has spread over the land*, when, by one manly effort, the enemy might have been repulsed, and their homes and property defended. I shall adopt the necessary measures to hold the officers accountable for their neglect in not executing my orders, &c. Very respectfully, your obedient servant,

B. K. CALL.

Major general W. Scott, commanding the army in Florida.

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From the National Intelligencer of the 29th inst.

Gentlemen: I observe in the National Intelligencer, of Monday morning, an extract from a communication in the Charleston Courier, stating that general Scott's order (No. 48) denouncing the people of Florida, was made upon the authority of the quartermaster general of that territory. Accompanying this extract is a letter from governor Call to general Scott, of the 26th of May last. Upon this communication and letter you remark, very justly and properly, that if they had been known to me at the time, I would have left the affair to the individuals assailed, and to those who had made or endorsed the charges. I certainly had no disposition to do injustice to any one. The distinguished and gallant officer against whose order I felt it my duty to the people of Florida to complain, is a gentleman against whom I would have been most reluctant to make a charge of misconduct, and most ready to make reparation, if I had, impelled by a sense of duty, inadvertently or unjustly assailed his military conduct.

It was represented to me from every portion of the territory, reiterated and confirmed by governor Call's proclamations, and letters to the war department, that the country was without adequate defence or protection; and as unlimited power had been conferred upon general Scott to call for any force he might require to defend the country, and to put an end to the war, I was obliged to consider him responsible for the lives and property of the inhabitants.

I do not profess to be much acquainted with military affairs, and if I had known that on the 26th of May the governor of Florida acknowledged with "satisfaction" and without complaint, major general Scott's "order, No. 48," I should at least have qualified that portion of my complaint to the president relating to the *five* Indians, and to the *sufficiency* of the protection.

I regret that I was so far led by governor Call's proclamations and letters, upon which, in part, my letter to the president was founded. I now perceive, for the first time, that the governor says, "the population of Alachua was fully adequate, with the

aid of the regular force, to hold the enemy in check, and to defend the settlements," and that this population "had retired without resistance, leaving the enemy in possession of their homes." The governor then declares to general Scott, that "a panic, highly dishonorable to the *whole country*, has spread over the land, when, by a manly effort, their homes and property might have been defended."

This removes from general Scott the heaviest complaint I made against him upon the testimony of the governor of Florida, who imputes the abandonment and destruction of property to the want of a "manly effort" to defend it by the inhabitants; and professes his determination to make his militia accountable for obeying orders.

Whilst I do not presume to set up my opinions at this distance, against officers of their reputation at the theatre of operations, I must say, in justification of myself and of my constituents, that I cannot concur with either of these commanders in admitting that the protection was adequate, if every man in Alachua had been armed and equipped for service. There were at that moment not more than three hundred men in the country, from seventeen to seventy years of age, as I am informed. We had one thousand regulars. The whole force, then, without a corporal's guard for the protection of the women and children, would have been 1,300, to man six posts, and to hold "the enemy in check, and give security to the settlements." Major general Scott has said in an official letter to the war department, that 3,000 *good* troops, excluding raw recruits and volunteers, were necessary to operate against, and to subdue these Indians; and another major general had, with 1,100 men, been confined to his breastworks and pickets, eleven days, by a *part* only of the Indian forces.

Governor Call has since asked for 1,000 men, in addition to the regular forces, to defend the settlements. This is 700 more than every man in Alachua. It might be inferred from this demand, that he has changed the opinion expressed to general Scott since the date of the letter. The requisition was, however, of nearly even date with the letter to general Scott.

I cannot retract the expression, nor have I changed my opinion, that great injustice has been done to the people of Florida by the publication of "order No. 48," and must forever consider such a denunciation, from a major general commanding, without precedent in this or any other country. The enemy is, without exception, the most cunning and intrepid of any savages on this continent, and, for the first time in the history of Indian warfare, have attacked our fortified posts and block-houses, cut up a detachment of the best of our officers and soldiers, and for more than one hour and a half fought general Clinch in the open field, in one of the most brilliant and creditable affairs on our part, since the war commenced.

It cannot be expected that planters, without arms, discipline, or organization, in remote neighborhoods, are to resist such an enemy. They ought to escape denunciation from a federal officer sent there for their protection and defence in a war which had desolated four counties before any military force had been collected by the United States.

The establishment of a block-house by forty men from my own county, on the Wythlacoochee, in the heart of the enemy's country, and its heroic defence against the combined and unresisted force of the Indians for six weeks, and the noble relief of that garrison by eighty Floridians, will prove to the world that these undisciplined militia have executed an enterprise, which, for boldness of conception, and skill and bravery in execution, has not been surpassed in any country. This was done, too, without *a panic*, and in a wilderness where it may be said, without ridicule or extravagance, there was an "Indian in every bush." JOS. M. WHITE.

SANTA ANA'S VINDICATION.

General Santa Ana has presented a document to the executive government of Texas, with a request that it may be published, of which the following is a translation. The translation is a very imperfect one:

Private secretary of the president of the republic of Mexico, general-in-chief of the army of operations.

In the journal entitled "El Correo Atlantico," of New Orleans, dated 25th of April last, which has casually fallen into my hands; which, although dictated by vengeance, as may be perceived at first sight, I cannot refrain from noticing the injury done to the Mexican army, by attributing to it actions of which it is incapable.

It is said in an article relating to the event respecting colonel Fanning, that which follows:

This chief, according to the orders received from general Houston, left Goliad on the 19th March, with from 330 to 350 volunteers, and at the distance of eight miles east from that port, found himself surrounded by 2,000 of Santa Ana's infantry and cavalry, who, after having destroyed his little advance guard, which consisted of 58 men, attacked him between 4 and 5 in the afternoon, and were repulsed with the loss of 190 killed and wounded, the loss of the Texians being insignificant; night coming on Fanning marched to a more favorable position, where he entrenched.

The Santa Anists despairing of conquering him by an attack face to face, [cara a cara], had recourse, as usual, to deception, and on the following morning they hoisted a flag of truce. Fanning then went to converse, half way between his encampment and that of the traitors, with their chief, who stated to him that he was acquainted with the smallness of his forces; that they were in a plain, destitute of water, and surrounded; but he was willing to grant them quarters, &c. Fanning fell into the snare and capitulated. According to the agreement his troops were to lay down their arms, return to Goliad and remain there some days until they could embark at Copano for New Orleans. All this was done; but on the ninth day after their arrival at Goliad they were informed that a vessel was ready at Copano to receive them; they were accordingly marched between two files of *valientes*, who, at the distance of five miles from Goliad, fired upon them, and assassinated them all, excepting Mr. Hudden and three others, who fled precipitately to a bush, where they remained until able to put themselves in safety, &c.

To these assertions I can observe that the Mexican troops who defeated Fanning, did not hoist a flag of truce, nor did their chief give any assurance of quarter by celebrating a capitulation in consequence of such an offer. To affirm facts of so much importance, it is necessary to have an evidence of them, and I am certain that they could never be proved.

The report I received from general Don Jose Urrea, who commanded in that action, was to the effect: that finding himself in front of Goliad (where Fanning was with his party) he was told that the enemy had undertaken a retreat towards Victoria, a circumstance he had not before perceived, on account of the thick fog; and that he proceeded to join them, which he subsequently effected on the plain called "Encinal del Pedido," and fought until dark; that on the following day a part of his artillery and infantry arrived, with which he continued the attack; which having been observed by Fanning, and considering his loss as sure, hoisted a flag of truce, and sent a paper written with a pencil, containing some articles offering to surrender if his life should be warranted, &c. to which general Urrea returned a negative answer, adding, that if they did not surrender immediately, he would continue firing upon them. Fanning then surrendered, by laying down his arms, and they all remained in the power of general Urrea, who sent the prisoners and wounded to Goliad, and he continued his route to Victoria.

This is the substance of general Urrea's report, as can be seen in the "Diario del Gobierno" of Mexico, the *original* having been sent by me to the minister of war, as it was my duty, to inform his excellency, the president *ad interim* of the republic.

The commandant of Goliad made me acquainted with the conflagration of the town, executed by Fanning on his starting from the fort, not one house having been left for the shelter of the inhabitants; and with the indignation of the latter at the loss of their cattle, together with other vexations, they were reduced to a most sad situation; and communicated to me subsequently his having applied the circular of the supreme government to those who were comprehended in it, with the exception of 86 individuals who had come from New Orleans, taken in Copano on account of their having surrendered their arms at the first summons.

Although we knew that the object of that party was to join Fanning, for which motive they came armed, I ordered them to be kept as prisoners, as was effectively done. I gave the same order respecting other individuals taken in the remaining divisions, and they will manifest the treatment they have received.

The Mexicans, in every epoch, have given repeated proofs of their generosity, as they are naturally humane and compassionate. If some military chiefs have fulfilled the express orders of their government, to whom they owe obedience, they do not merit for this any *diatribe* or charge whatever. When governments determine about some matter, they must have their reasons, and to them alone it belongs to be answerable to the world for their actions; and in this persuasion, I omit to examine if the circular I have quoted as dictated by the government of the Mexican republic, applied to Fanning and his companions, was founded or not upon justice.

This being the true exposition of what has taken place in this matter, which has induced me to take the pen, I will be obliged to your excellency to order this manifestation to be published, to avoid equivocations which might stain the name of the army to which I belong, protesting to your excellency, on this occasion, the considerations of my esteem.

God and liberty! *Velasco, May 23d*, 1836.

ANTONIO LOPEZ DE SANTA ANA.

GENS. HOUSTON AND HAMILTON.

The following are the letters from col. Wharton and gen. Hamilton alluded to in our last:

To the editor of the New York Courier and Enquirer.

Washington City, June 13th, 1836.

To col. WEBB,

Dear sir: With great regret I have noticed in several papers for a week past, a statement that there was a project on foot to supercede gen. Houston, and to place gen. Hamilton of South Carolina, in the command of the Texian army. It is stated in some of the papers that the Texian commissioners have sent a despatch to their government to effect this purpose. This rumor is referred to in your paper of the 9th, which induces me to trouble you with the following remarks:

The Texian commissioners have never held any communication *directly or indirectly* with gen. Hamilton. He is personally unknown to all of them, and they have never mentioned his name in any of their despatches to their government. Moreover, they have never made a proposition to supercede general

Houston. They have never received a proposition to that effect, and would have rejected any such proposition with indignation, no matter from whence it proceeded. Furthermore, they have viewed gen. Houston's conduct as commander-in-chief of the Texian army with feelings of unalloyed and unqualified approbation. My colleagues, gen. Austin and Dr. Archer, are absent; but inasmuch as I have joined them in all their despatches, and am entirely acquainted with their sentiments in relation to gen. Houston's military career in Texas, I pledge my honor for the truth of the above statements. I have a great disinclination to appear in the public prints, but feel that the above is due to gen. Houston, to ourselves, and to truth.

Very respectfully, yours, &c. WM. H. WHARTON.

From the Charleston Mercury.

Sir: The following extract from the N. York Evening Star, having met with a very extended circulation, I trust I shall stand excused for adding a brief commentary which I feel to be due to myself.

"*The following is from Hudson's correspondence, Washington:*

"I am enabled to state, on undoubted authority, that a plot is now on foot to deprive Houston of the command of the army in Texas, and place gen. James Hamilton, of South Carolina, at its head. The proposition has been made to the Texian commissioners and is now under consideration. If Hamilton can be placed at the head of the affairs of Texas, it is said that $10,000,000 will soon be pledged to the cause. It is alleged Houston is not the man to carry the plans of Texas into effect, and a strong party in the south is ready to take hold of the struggle if Hamilton can be elected to the chief command."

I am sure that those who know me, will believe that *I am* at least innocent of the charge of sanctioning any "*plot,*" to deprive a gallant soldier of the command of an army to which he has vindicated a paramount claim by his own sword, more especially at a moment when wounded in a battle which has covered him with laurels, he is at once the object of mingled sympathy and admiration.

But I am confident, sir, you will believe with even a bribe of "ten millions to the cause of Texas," I am incapable of being made the instrument of this injustice. I may envy gen. Houston the glory of having fought with consummate bravery and conduct, one of the most decisive battles in the annals of ancient or modern war—but if I know myself, I could never "plot," or sanction any "plot" to the prejudice of claims infinitely greater than my own.

I should not have noticed this rumor if I did not desire to relieve myself (if there is a single man who believes the accusation to be true), from the imputation of the gross and offensive arrogance of "plotting" to take the command from a successful general of the companions of his glory, in the very hour of his victory. I remain, very respectfully, your obedient servant,

J. HAMILTON.

CASE OF MAJOR GATES.

The following order embraces the official proceedings in the case of major Gates.

GENERAL ORDER.

Head quarters of the army,
Adjutant general's office, Washington, June 11, 1836.

I. The proceedings of the court of inquiry, held at St. Augustine, East Florida, on the 6th day of May, 1836, and continued until the 7th, assembled by order of major general Scott, at the request of major William Gates, and of which court lieutenant colonel Crane, of the United States army, was president, have been laid before the president of the United States.

The court, at the request of major Gates, was directed to investigate the conduct of that officer during and subsequent to the attack on the military post at Volusia, on the St. John's river, in Florida, embracing the 14th, 15th, 16th and 17th of April, of this year.

The court of inquiry having been directed to give its opinion on the whole case, came to the following conclusion:

"OPINION.

II. "The court, after mature deliberation on the testimony before them, are of opinion, from the evidence of adjutant Patterson, doctor Graham and lieutenant Pettes, that the effective force under the command of maj. Gates was much greater than the estimated force of the Indians who attacked him on the morning of the 14th April, 1836; and that, therefore, he was capable of meeting the enemy in the field, if necessary; also, that the bodies of two volunteers, killed, were improperly left exposed, and ought to have been brought in on the morning when they were killed; such exposure necessarily operating injuriously on the garrison."

On which proceedings and opinion, major general Scott, commanding the troops in Florida, made the following remarks:

"It is clear, from the evidence, that the garrison of Fort Barnwell was, at the time it was attacked, at least twice as numerous as the assailing party. A vigorous sortie, with two-thirds of the garrison, should, therefore, have been promptly made.—The moral effect of such movement would have been great on both sides. Many of the enemy would, probably, have been killed or captured, and the garrison thereby inspired with a just confidence in the superior prowess of the white man."

"If for no other object, a strong detachment ought instantly to have been sent out to bring in the bodies of the sergeant and private who were seen to fall, near the wood, at the beginning of the attack. This imperious duty was neglected for more than forty-eight hours: a delay that is curiously slurred over in the major's official report.

"It is most painful to remark the fatal charm that seems to have hung over every commander in this war who has been attacked behind breastworks or pickets. From the leading case, at Camp Izard, to the last that has been reported, not a sortie—certainly not one of vigor—has been made by any garrison, however inferior the assailing force. Several mortifying cases of this sort have duly followed, and major Cooper alone, with his Georgia battalion, has ventured, for a moment, beyond a line of defences to receive or to repel an attack. The series of examples alluded to have inspired the enemy with hardihood, repressed the zeal of our troops, and may slightly excuse the conduct of major Gates. Certainly a gallant effort is yet to be made by some future commander of a post to break the charm and to check Indian audacity."

III. The president of the United States, on a full consideration of the conduct of major William Gates, of the 1st regiment of artillery, as disclosed by the evidence before the court of inquiry, has directed that the name of that officer be stricken from the rolls. Major William Gates, therefore, ceases to be an officer of the army.

By order of ALEXANDER MACOMB, major general commanding-in-chief: R. JONES, *adjutant general.*

UNITED STATES DRAGOONS.

HEAD QUARTERS—GENERAL ORDER NO. 38.

Adjutant general's office, Washington, June 15, 1836.

I. The 2d regiment of dragoons will be recruited and organized with as little delay as practicable, and the several officers appointed will report for orders and recruiting instructions to the colonel of the regiment, who will establish his recruiting head quarters at some central position, and report to the adjutant general.

The lieutenant colonel and the complement of officers for three companies will recruit west of the mountains; the major and officers for three companies will recruit in Virginia; and the other captains and subalterns will recruit under the immediate instructions of the colonel, except captain J. A. Ashby, 1st. lieut. Chas. Spalding, and 2d lieut. S. Thornton, who will proceed to Fort Drane, Florida, and there receive the detachment of dragoons serving in that territory, from the officer of the 1st regiment, which will be organized, armed and equipped, as one of the companies of the 2d regiment of dragoons.

II. The organization of companies, and final assignment of officers, will be made by the colonel, at the proper time, with due regard to the interest of the service.

III. The established recruiting regulations will be strictly observed by all officers, and all the required returns, muster and descriptive rolls, reports, &c. will be regularly made, and transmitted, through the proper officer to the adjutant general who will furnish the requisite blanks.

IV. The officers appointed will immediately assume their respective duties, and proceed in the discharge of them. It is expected that the regiment will be recruited, organized, instructed and equipped for service in the field, by the earliest day practicable.

By order of ALEXANDER MACOMB, major general, commanding-in-chief: R. JONES, *adjutant general.*

The captains and subalterns of the 2d regiment of dragoons have been assigned to companies by the colonel, as follows:

Company A.—Captain W. Gordon; 1st lieut. T. Grinsley; 2d lieut. W. H. Ward.

Company B.—Captain J. Dougherty; 1st lieut. H. Grooms; 2d lieut. C. Kerr.

Company C.—Captain J. F. Lane; 1st lieut. J. Graham; 2d lieut. L. Murray.

Company D.—Captain J. Ashby; 1st lieut. C. Spalding; 2d lieut. S. Thornton.

Company E.—Captain J. L. Bean; 1st lieut. J. Hamilton; 2d lieut. W. Gilpin.

Company F.—Captain S. Anderson; 1st. lieut. M. Howe; 2d lieut. J. McNeill.

Company G.—Captain W. Tompkins; 1st lieut. G. Blake, 2d lieut. J. O'Neal.

Company H.—Captain H. Fowler; 1st lieut. T. Dade; 2d lieut. C. May.

Company I.—Captain B. L. Beall; 1st lieut. E. Bullock; 2d lieut. G. Forsythe.

Company K.—Captain E. Winder; 1st lieut. T. Bryant; 2d lieut. C. Kingsbury.

CIRCULAR.

To collectors and receivers of public money, and to the deposite banks.

The charter of the United States bank having expired on the 3d of March last, and the 14th section of it, which made the notes of that bank receivable for public dues, having been repealed by congress on the 15th instant, you are hereby notified that said notes are no longer, by law, so receivable.

For further information, connected with the kind of money which ought hereafter to be taken, I annex a copy of the second section of an act of congress, passed April 14, 1836, directing in what alone all further payments are to be made to the public creditors, viz:

Section 2. *And be it further enacted,* That hereafter no bank notes of less denomination than ten dollars, and that from and

after the third day of March, A. D. eighteen hundred and thirty-seven, no bank note of less denomination than twenty dollars, shall be offered in payment in any case whatsoever, in which money is to be paid by the United States, or the post office department; nor shall any bank note of any denomination be so offered, unless the same shall be payable, and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie, at the place where offered; and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him: *Provided*, That nothing herein contained shall be construed to make any thing but gold or silver a legal tender by any individual, or by the U. States."

In carrying faithfully into effect the above imperative provision, and, at the same time, giving all safe and legal accommodations to the community in the receipt of money, you will perceive the propriety of not receiving any bank notes which are not redeemable and redeemed in specie, and on demand; or any which do not, in other respects, come within the regulations of former circulars from this department.

LEVI WOODBURY, *secretary of the treasury.*

Treasury department, 16*th June*, 1836.

THE REVENUE FOR APRIL.

Report from the secretary of the treasury, in compliance with a resolution of the senate.

Treasury department, June 9, 1836.

SIR: In compliance with a resolution of the senate of the 6th instant, directing me to report "to the senate the amount of money now in treasury subject to draft; and, also, the receipts from both customs and lands, during the month of April, now last past, as compared with the receipts from the same sources, for the month of March last," I have the honor to submit the following statement:

The amount of money in the treasury, subject to draft, on the 6th instant, as ascertained by the treasurer's running account, was $33,563,654.

This does not embrace any part of the Chickasaw fund, nor of the French indemnity received, as neither of them can be used for general purposes, and both are held but temporarily and in trust for others. On the other hand, nothing has been deducted for any existing appropriations, except so far as warrants have issued for actual payments.

In respect to the other branch of the resolution, it appears, from the current returns made to this department, and they are believed to be all complete, that the receipts in the month of March last were—

From customs	$1,924,427
And from lands	1,997,253
Making an aggregate of	$3,921,680

The receipts in April last were—

From customs	$1,238,800
And from lands	1,617,860
Making an aggregate of	$2,856,660

or about $1,065,020 less in April than in March.

I have the honor to be, &c. LEVI WOODBURY, *secretary of the treasury.*

Hon. *M. Van Buren, president of the senate.*

SPEECH OF GOVERNOR EVERETT.

Delivered in Faneuil Hall, Boston on Monday the 6th inst. at the anniversary celebration of the ancient and honorable artillery company.

Mr. Commander: I am sensible to the honor done me by the chair and the company; and beg leave to make my grateful acknowledgments. The toast drank does me no more than justice, in anticipating my best efforts for the promotion of the welfare of the militia system. I embrace also with pleasure this opportunity to declare my entire sympathy with that feeling of respect for the work and the memory of our fathers, to which we owe the perpetuity of this institution. I have always considered this feeling as one of the safe-guards of the republic; as one of the best correctives of the violence of the selfish and party passions of the day. To cherish and strengthen this respect for the principles of our fathers has been one of the chief objects I have proposed to myself in life; and one in the accomplishment of which I have spared no effort, within the compass of my humble sphere of influence.

Perhaps, sir, there is no subject, in regard to which the principles of our fathers are better entitled to respect, than the military defence of the country. The more I turn over the pages of our early colonial history; the more I am struck with the all pervading traces of a sort of providential watchfulness, for the establishment of free institutions; and in nothing more than in this important respect. I need not repeat what is so well known to all who have read the early history of the colony, that it was left to itself—a handful of pious adventurers self-exiled to the distant and savage shore—shut out by the ocean from the civilized world, open through the fearful pathways of the forest to the inroads of fierce and remorseless tribes of savages, spurred forward to the work of destruction, by the subjects of the French monarchy, the hereditary foes of England. In this state of things, nothing would have *seemed* more desirable, than the presence of a military force, a regiment at least of British troops scattered up and down New England to preserve the feeble settlement from destruction. It might have been thought that our fathers, from the instinct of self-preservation, would have importuned the mother country, for some such protection: especially under the commonwealth, when the civil and military power had passed into the hands of men, whose religious and political opinions harmonized with their own. Whether our fathers desired it or not, it might have been thought that the government of England, royal or republican, would have looked after its own interests in this quarter. It would have seemed natural, that the king of England, would not have been wholly indifferent to the secure possession of these colonies; and that Cromwell, after thundering with his fleets through the Antilles and capturing Jamaica, should take measures to hold fast to the continent. We all know what the colonial system of England in modern times has been. Wheresoever the British jurisdiction is established, in either hemisphere, from the rocky towers of Corfu, to the burning latitudes of Hindostan and Australasia, the British flag is its symbol; and within dark and frowning tiers of artillery is the hiding place of its power. They never pretend to hold a foreign colony by any other tenure, than an ever present military force. Their government is as mild and paternal, perhaps, as a colonial government can be, but from the rock of Gibraltar, round to the rock of Quebec, it compasses the globe with an iron belt of glittering bayonets; it speaks in the voice of the morning drum and stalks with the nightly sentinel, along the battlements of impregnable castles. What an escape for the British colonies that form the United States! Had this system, which seemed equally required by the interest of the mother country and the safety of the colonies, been introduced here at the foundation, had a regiment, a battalion of English troops been stationed from the first on Boston common, who cannot perceive that the republican institutions of the country never could have grown up. No, sir, we not only grew by the neglect of the mother country, as col. Barre said in the house of commons, but such neglect was absolutely necessary to the growth of liberty. For this reason, all solicitation of aid from the mother country was studiously avoided. They never asked for a war. A patriotic militia, amounting sometimes to a draft of almost every able-bodied man in the community, was the dependence of our fathers in peace and in war. With this, they fought through the Pequot war and king Philip's war. With this, they went to the aid of the British forces in the wars on the frontier. With this, they conquered Louisburg, and shared in the glories of Quebec. Thus they grew up, a really warlike people wholly unused to standing armies: so that, when the British system, after the seven years' war, was changed, when regiments of troops were encamped on Boston common, when fourteen ships of war were moored in Boston harbor, with springs on their cables, and broadsides ready to open on the town—the spectacle carried no terrors to a brave population, who had learned the secret of their own power, and readily joined in the appeal to the God of battles.

Times are now changed. We have grown up into a great people. A sum of human interests and blessings of untold amount, an incalculable moral and social treasure, is committed to our charge. With the advantages of a powerful state, we have its duties and its exposures. We are subject to insults from abroad and disorders at home. The cloud of foreign war has just rolled away. Had it burst, how would it have found this great and rich metropolis? Without one gun mounted for its defence. I suppose it is pretty generally admitted, that a foreign enemy, even so polite a one as France, would pay but little respect to the white staff of our sheriff, though he should go with all his constables and read the riot act in their hearing; and whether these same peaceful emblems are adequate to sustain the majesty of the law, when threatened in moments of popular convulsion, we can all judge. Then, sir, there are two resources for protection and safety, in the first outbreaking of war and in times of civil commotion. One is, a well-organized patriotic militia—ever present, rarely seen; stationed among us, not in camps and forts, but at the firesides—in the counting-room, the work-shop, the place of business; this is one. The other resource is, a standing army, encamped on Boston common, or stationed on Castle Island. One or the other we must have. And the man who sets himself to ridicule the militia—to exaggerate the defects of the institution—to embarrass its administration—to bring it into discredit—wishes one of two things: he either wishes the country to be wholly exposed to insult from abroad and a prey at home to anarchy—to mob-law, club-law, and a general scramble; or he wishes to see a flag-staff planted in front of the state house; a couple of cannon pointing down State-street; to hear the morning gun at day-break, and to hold the exercise of his daily rights as a citizen, at the discretion of a military commander.

In a free country, this is a pretty serious alternative. I have, sir, for the last six months, thought much and deeply upon it. It has been my duty to do so; and I have come to the conclusion, that, if we intend to hand down unimpaired to our children the inheritance of republican liberty, which we have received from our fathers—if we mean that the civil shall control the military arm, alike in peace and in war, in prosperous and adverse times—the militia must again receive the respect of the community.

I give you, sir, as a toast—

A well-organized, efficient and patriotic militia—in time of peace the bulwark of the law, in war the basis of defence: may it be restored to the public favor.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

Congress adjourned on the 4th inst. after a tedious session, much of the time of which was consumed by discussions on points of order, appeals from the decision of the chair, and the calling of yeas and nays on those appeals.

The National Intelligencer of yesterday says—

"The aggregate amount of appropriations made by the acts passed during the late session of congress is about thirty-five millions of dollars. Of this amount it is curious to see the very large proportion made for objects connected with our Indian relations. For carrying into effect treaties or suppressing hostilities with the Indian tribes, (exclusive of the expenses of the army proper), the amount appropriated is more than thirteen million and a half of dollars. The appropriations for the army amount to four millions of dollars; for the navy, to six millions and a quarter; for fortifications, to nearly three millions; for harbors, to over one million; for the Cumberland road, six hundred thousand dollars; besides three millions of dollars for the civil list.

"Notwithstanding this enormous amount of appropriations, there is no doubt that the surplus in the treasury on the first of January next, subject to distribution under the late act of congress, will exceed twenty millions of dollars."

Under the reorganization of the post office, deputy postmasters whose compensation exceed a certain amount, are to be appointed with the advice and consent of the senate. All the old officers, (except one), were nominated to the senate and confirmed. The exception was in the N. York post office, to which Jonathan J. Coddington was appointed to supersede Samuel. L. Gouverneur.

—

MR. CASS. The Intelligencer states on the authority of the Georgetown Metropolitan, that Mr. Cass, (*prospectively* appointed minister to France), will continue in charge of the war department until October; and that it is not likely that there will be another appointment to fill the office of secretary of war after governor Cass retires, during the present administration. In which case, no doubt, Mr. Harris, the chief clerk, will be acting secretary of war from October to March next.

To this avowed determination on the part of the executive, (remarks the Intelligencer), the difficulty of selecting a successor to the present secretary has, doubtless, materially contributed.

—

The Metropolitan, announces the recall of gen. Scott from the south, and adds—"This measure, it is understood, was rendered necessary by the unfortunate acerbity of feeling, operating to an extent prejudicial to the public interest, existing between this distinguished officer and several other branches in the service."

—

APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.

David Irvine, of Michigan, to be associate judge of the territory of Wisconsin.

George Wolfe, of Pennsylvania, to be first comptroller of the treasury of the United States, in the place of Joseph Anderson, resigned—to take effect on the 1st day of July, 1836.

Robert W. Wells, of Missouri, to be judge of the U. States for the district of Missouri, in the place of James H. Peck, deceased.

Louis D. Henry, of N. Carolina, to be commissioner, John J. Mumford, of New York, to be secretary, Cornelius Van Ness, of the District of Columbia, to be clerk, under the act to carry into effect the convention between Spain and the United States.

John Randolph Clay, to be charge d'affaires of the U. States to Russia.

Benjamin Johnson, to be judge of the United States for the district of Arkansas.

Thomas J. Lacey, to be attorney, and Elias Rector, to be marshal, of the United States for said district.

—

THE PUBLIC MONEY. The following is the statement from the treasury of the condition of the deposite banks, in the aggregate, according to the returns therefrom nearest to the date of the 1st of June, from which it appears that the amount of public money in deposite had risen to the enormous sum of *forty-one millions of dollars!*

LIABILITIES OF THE BANKS.

Circulation	$27,967,152 40
Treasurer of the United States	*37,281,034 27
Public officers	3,742,913 89
Other depositers	16,044,573 40
Due to banks	17,110,822 36
Other liabilities	6,763,654 39
Capital	46,418,092 83
Contingent fund	1,015,517 78
Profit and loss	5,911,307 36
	$162,255,068 68

MEANS TO MEET LIABILITIES.

Loans and discounts	$71,282,463 21
Domestic exchange	37,150,578 54
Foreign exchange	64,995 99
Real estate	1,892,342 27
Due from banks	17,867,869 49
Notes of other banks	10,982,790 42
Specie	10,450,415 13
Other investments	12,221,510 72
Expences	342,072 91
	$162,255,068 68

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

June 30. The vice president announced that he should not resume the chair during the present session after this day.

A message was received from the president of the United States, communicating a copy of a treaty of peace, navigation and commerce with the republic of Venezuela, signed in January last.

Mr. *Webster*, from the committee on finance reported without amendment an act supplementary to the act to regulate the deposites of the public money.

Mr. *Benton*, in reference to the cause which prevented him from calling up the expunging resolution yesterday, said he left it to the senate to act in reference to it as they might think proper.

After a few remarks from Messrs. *Preston*, *Clay* and *Benton* the subject was dropped.

[The remarks of Mr. *Clay* were as follows:

Mr. *Clay* said he would take the opportunity of saying that it had been his fixed purpose, considering the relation in which he stood to the resolution of March, 1834, and to the senate, as having offered it, to address the senate on the subject of it. He was particularly desirous to have vindicated the resolution in the assertion which it contained of the exercise of executive power in derogation from the constitution and laws of the U. States. After the fullest reflection, his judgment remained unchanged, that it was an exercise of illegal and unconstitutional power, and dangerous to the liberties of the people of this country. And, if he could have seen a suitable occasion, after hearing all that could be urged against the resolution, he should have endeavored to maintain by argument that proposition. But it has been so treated, from time to time, taken up and laid upon the table, the (last time to afford an opportunity to the present chief magistrate of an eastern state to deliver his sentiments upon it, when he, (Mr. *Clay*), was detained from the senate by the illness of a member of his family), that he has not seen a fit moment when he could, according to his sense of propriety, address the senate.

*This includes the sum of $304,867 55 not then invested, arising from the sales of lands in the Chickasaw cession, and which, under the treaty, is to be invested for the benefit of that nation, leaving a balance of $36,976,166 72, without deducting outstanding drafts on it not then reported as paid, equal to $3,972,000; this being deducted, the sum in these banks, subject to draft on the 1st of June, was $33,004,166 72.

It is now, as every senator must feel, entirely too late in the session, when important public business was pressing upon both houses, to protract the discussion upon this resolution. Mr. *Clay* was anxious to have brought forward, from the present democratic fountain in this country a precedent, on all substantial points directly applicable, against the process of mutilating and expunging the journals of the senate. But, solicitous as he was to discuss the particular topic, and to spread before the senate the precedent to which he referred, he could not think of trespassing on the time of the senate during the precious moments that remain. With respect to the final disposition to be made of the resolution, he was content to acquiesce in any decision the senate might think proper to make. If it be its pleasure to take up the resolution and pass definitively upon it, without further debate, he would be satisfied.]

The bill from the house to change the time for the annual meeting of congress was taken up and *indefinitely postponed*—yeas 24.

At the suggestion of Mr. *King*, of Alabama, the consideration of the resolutions reported by the committee on foreign relations on the subject of Texas, was postponed until to-morrow.

The bill from the house making appropriations for light houses, &c. was read a first time. Mr. *Calhoun* objected to its second reading at this time.

The bill making appropriations for the improvement of certain harbors, &c. from the house, and the other bills from the house, were read a first and second time, and referred.

On motion of Mr. *Benton*, the senate took up a bill to establish a foundry, and armory in the west, and one in the south, &c. Some of the items contained in this bill being also in the fortification bill, which had been recommitted. Mr. *Benton* moved to strike out these items, but the motion requiring, on the passage of a bill, unanimous consent, and objection being made, it was not persevered in.

The question was taken on the passage of the bill by yeas and nays, and decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hendricks, Hubbard, Kent, King, of Ala. Linn, Morris, Nicholas, Page, Rives, Robinson, Ruggles, Tallmadge, Tipton, Walker, Wall, White, Wright—24.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Goldsborough, King, of Geo. Leigh, Mangum, Moore, Preston, Robbins, Southard, Swift, Tomlinson—15.

The senate concurred in the amendment of the house to the bill to extend the charters of certain banks in the District of Columbia.

A communication was received from the treasury, showing the condition of the deposite banks, which was ordered to be printed. On motion of Mr. *Wright*, the senate proceeded to consider the bill making appropriations for certain fortifications, which had been recommitted without amendment. On motion of Mr. *Wright*, the items were stricken out which had been included in the previous bill. On motion of Mr. *Webster*, the amendment adopted yesterday on motion of Mr. *Clay*, restricting the issues of money to the actual necessity of the case, was again adopted.

After some few remarks from Messrs. *Preston* and *Wright*, Mr. *Clay* said that it had been stated that two hundred guns were all that would be required to arm the fortifications, and that we had one thousand eight hundred and eighteen; and as liberal appropriations had been made in another bill, he could not see the propriety of voting the large sums in this bill. He stated that two hundred thousand was wanted for the transportation of arms, and a gentleman of responsibility had stated, in the other house, that all the arms in the country could be transported for 28,000 dollars. Mr. *Calhoun* adverted to the necessity for some point at which the accumulation of arms might stop: and when there would be a tremendous reaction, when the losses in consequence of risk, insurance, impediment, &c. would be infinitely greater than the value of the arms. Mr. *Cuthbert* asked his understanding of the feelings and views which influenced the senate to recommit the bill, and alleged that there was a change of ground and of course, in the action of the gentlemen on the other side. He warned them not to incur the suspicion of acting only for the purpose of winning popular favor and to recollect that the verdict of the country had been repeatedly given in favor of the system of defence, on which this bill was founded.

The question was taken on engrossing the amendment and ordering the bill to be read a third time by the following vote:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, Hubbard, Kent, King, of Ala. Linn, Morris, Nicholas, Niles, Page, Porter, Rives, Robbins, Robinson, Ruggles, Tallmadge, Tipton, Tomlinson, Walker, Webster, White, Wright—28.

NAYS—Messrs. Calhoun, Clay, Crittenden, Ewing, of Ohio, Leigh, Mangum, Moore, Preston, Southard—9.

After several other bills had been disposed of, on motion of Mr. *Webster* the bill supplementary to an act to regulate the deposites of the public money, was committed to the committee on finance—which, in a short time reported it with an amendment.

A message was received from the president of the United States, communicating the death of James Madison, ex-president of the United States, on Tuesday, the 28th instant.

[The message will be found in our abstract of the proceedings of the house on the 30th instant, page 306.]

Mr. *Rives* addressed the senate as follows:

Mr. President: I feel that it would be an act of sacrilegious temerity were I to attempt to add to the intrinsic pathos of the melancholy intelligence just announced to us by the president of the United States, by any thing in the way of eulogy on the character of the great man whose decease he has communicated to us. The eulogy of Mr. Madison is written in every page of the history of his country, to whose service his whole life was devoted, and with every great event in whose annals his name stands conspicuously and enduringly identified. Filled, however, as his life was, from its dawn to its close, with labors of patriotism and superior wisdom, there is one great work of his which must ever recur prominently to the greatful memory of his country. He was, in an especial manner, the founder and author of that glorious constitution which is the bond of our union and the charter of our liberties; and it was graciously vouchsafed to him, in the order of Providence, to witness for a longer period than any of his illustrious colleagues the rich blessings which have resulted from its establishment. He was the last surviving signer of that sacred instrument. Amid the general grief which pervades the nation, may we not indulge one consolation at least, in the hope that his death, whilst adding the last seal to his own fame and glory, will, in some sort, canonize the work of his hands, and surround, with a new veneration, that precious relic of the wisdom of our departed patriots and sages.

But, sir, I will not speak of the public life of Mr. Madison; it is known to us all; it is appreciated by us all. It was my privilege to see and to know him in the scenes of that classic retirement in which he passed the evening of his days. It was there that the mild lustre of his private virtues, which formed the crowning grace of his character, and is the indispensable compliment of a true public glory, was seen and felt. But who can paint him there? Who can adequately describe that facinating suavity of temper and manners, that spirit and grace of conversation so happily blended with the oracles of philosophy and experience, that amiable and cultivated benevolence, ever watchful of the feelings and comfort of others, even in the minutest trifles, which together formed, around the hearth of Montpelier, a group of social virtues and attractions which, however competent the power of language to portray, none, who have felt their influence, can ever forget. In speaking of these things, Mr. President, I am but too forcibly reminded of my own personal loss in the general and national calamity which we all bewail. I was the neighbor of Mr. Madison, sir, and enjoyed his kindness and friendship; and if, in speaking of a great national bereavement, my mind recurs too fondly to the chasm his death has left in the immediate circle of his friends, something, I trust, will be pardoned to the feelings of the heart.

It is my melancholy satisfaction to have received, in all probability, the last letter ever signed by his hand. It bears date only six days before his death, and furnishes, in its contents, a striking illustration of that amiable benevolence, and sensibility to the kindness of others, which formed so prominent a trait in his character. In that letter, which is now before me, he spoke of his enfeebled health, and his trembling and unsteady signature, so much in contrast with the usual firmness and regularity of his writing, bore a graphic and melancholy intimation of his approaching end. Still I trusted that his light might hold out to the 4th of July, that he might be restored on that glorious anniversary to an immortal companionship with those great men and patriots with whom he had been intimately connected in life, and whose coincident deaths, on the birth-day of the nation's freedom, had imparted to that day, if possible, an additional and mysterious illustration. But it has been ordered otherwise. His career has been closed at an epoch, which, forty-nine years ago, witnessed his most efficient labours in the illustrious assembly which laid the foundations of our present system of government, and will thus, by the remembrance of his death, as well as by the services of his life, more closely associate him with that great work, which is at once the source and the guaranty of his country's happiness and glory.

What honors, Mr. President, are there, by which we can do justice to a character which history will hold up to future ages as a model of public and private virtue, not surpassed by the brightest examples in ancient or modern times? Sir, there are none. Still it is proper that, as representatives of the American people, we should show, by some suitable manifestations, how sincerely and deeply we participate in the universal feeling of grief on this mournful occasion, and I move you, therefore, the following resolution:

Resolved, That a commitee be appointed on the part of the senate, to join such committee as may be appointed on the part of the house, to consider and report by what token of respect and affection it may be proper for the congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the president of the United States.

The resolution was adopted, and, on motion of Mr. *Rives*, the committee was ordered to consist of seven, to be appointed by the chair.

On motion of Mr. *Webster*, the bill supplementary to an act to regulate the deposites of the public money, was taken up for consideration.

[This bill goes to authorise the secretary of the treasury to transfer money from the deposite bank in any state or territory to any other deposite bank, when it is necessary to prevent the accumulation of too much of the public money in any one bank.]

Mr. *Mangum* moved to lay the bill on the table, but withdrew the motion. Mr. *Walker* renewed the motion, and it was negatived. The amendment of the committee was concurred in, and the bill was ordered to be engrossed.

Mr. *Mangum* moved that the senate take a recess till 7 o'clock; which was agreed to.

Evening session. The senate proceeded to consider the bill to establish a naval academy. [*Laid on the table.*]

The engrossed bills on the table were read a third time, and passed.

The bill supplementary to the act to regulate the deposites of the public money, being on its passage, the yeas and nays were ordered on the call of Mr. *Walker*, and the bill was passed—yeas 24, nays 6.

After a large number of private bills had been disposed of, the senate, on motion of Mr. *Linn*, took up the bill to create the office of surveyor of the public lands in the Wisconsin territory, which was considered and passed.

The bills ordered to a third reading this evening were severally read a third time, and passed.

Mr. *Davis* moved the senate to take up the bill to explain an act to amend the various acts to alter and amend the several acts imposing duties on imports.

The bill was ordered to be read a third time, as amended by the committee on manufactures. The bill was read a third time, and passed.

The bill to confirm sales of lands in certain cases was ordered to be engrossed. The bill was read a third time and passed.

A number of private bills were ordered to be engrossed.

Mr. *Rives*, from the joint committee appointed on the message of the president communicating the death of Mr. Madison, reported sundry resolutions, (see the house proceedings); which were unanimously adopted.

After the transaction of some minor business, at half past 12 o'clock, the senate adjourned.

July 1. At eleven o'clock, A. M. the secretary called the senate to order; and,

On motion of Mr. *Webster*, the senate proceeded to the election of a president pro tem.; and the ballots being counted, the vote appeared to be as follows:

For Mr. *King*, of Alabama,.....22
For Mr. *Southard*,.....14
Scattering,.....4

So that Mr. *King*, of Alabama, was declared to be duly elected president of the senate *pro tem.* and was conducted to the chair by Mr. *White*.

The president pro tem. returned his thanks to the following effect:

Gentlemen of the senate:

This flattering manifestation of the confidence and respect of my brother senators fills my heart with the liveliest sensibility.

To be called to preside over the deliberations of the senate of the United States, distinguished, as it is, for intelligence, moral worth, and a patriotic devotion to the principles of liberty, is an honor of which the first in this land might be justly proud. I shall enter, gentlemen, upon the discharge of the duties which your kindness has devolved upon me, with the determination to discharge them zealously, faithfully and impartially. I am, however, fully aware that, unless I am sustained by the senate, all my efforts correctly and usefully to discharge them must prove vain and fruitless; but the order, the decorum, which has heretofore so eminently distinguished the senate of the United States; the courtesy and good feeling which has uniformly marked the official and social intercourse of its members, gives to me the strongest assurance that I may confidently rely on their kindness and support. I earnestly request honorable senators to make proper allowances for the errors into which I may occasionally fall, and to aid me in correcting them.

Various motions were made to discharge the committees from the subjects referred to them.

Mr. *Webster* offered a resolution calling on the secretary of war to report in detail, next session, on the subject of fortifications and arsenals, &c. and the condition of the works, the original estimate of cost, and what sum remains unexpended; which was agreed to.

Mr. *Clayton* offered a resolution calling on the secretary of war to report, next session, the amount expended on the Delaware breakwater, &c.; which was agreed to.

The bills last read, from the house, were read twice, and referred.

The bill from the house making appropriations for light houses, light boats, &c. was read a second time, and referred to the committee on commerce.

The bill making appropriations for the improvement of certain harbors, &c. was read a second time, and referred to the committee on commerce.

On motion of Mr. *Preston* the senate took up the resolution reported by the committee on foreign relations relative to the independence of Texas.

Mr. *Preston* made some remarks, in the course of which he stated that he had with difficulty restrained himself from offering an amendment to recognise the independence of Texas immediately. He gave a brief narrative of the events of the revolution in Texas, and stated that he had this morning received authentic information, in the form of a letter from Mr. AUSTIN, which confirms the statement that general FILASOLÁ had carried into effect the armistice agreed on between the Texian government and Santa Ana. This treaty Mr. P. regarded as amounting to a recognition on the part of Mexico of the independence of Texas. The vice president of Texas was about to proceed to Vera Cruz to enforce from the mouths of the Texian guns the conclusion of a definitive treaty of peace between the two countries.

Mr. P. continued, at some length, to expatiate on the situation and achievements and claims of Texas, and adverted to certain treaty stipulations with Mexico concerning the Indians west of the Sabine, which stipulations it would only be in the power of Texas now to carry into effect. He concluded with offering to amend the resolution by adding an expression of the gratification which the senate felt on hearing of the course taken by the president of the United States to obtain information of the situation of Texas.

The report of the committee concludes with the following resolution:

Resolved, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government, capable of performing the duties and fulfilling the obligations of an independent power.

Mr. *Clay* said that the report of the committee on foreign relations was so full, and the session was so near its termination, that he had not thought it necessary to add one word to what that document contained; and he should not now have risen but for the amendment proposed by the senator from South Carolina, (Mr. *Preston*), and what had fallen from him.

With respect to that amendment, (continued Mr. *Clay*), I have no objection to it, and wish it to be adopted. The committee on foreign relations had reported a resolution declaring that Texas ought to be recognised as an independent power, as soon as satisfactory information is acquired that it has an established government in successful operation. The president states, in a message received in the senate subsequent to the report, that he has adopted measures to obtain that information. There is, therefore, an entire consistency between the resolution of the committee, the message of the president and the proposed amendment, and he hoped it would be agreed to.

The senator from South Carolina, actuated by very natural and proper feelings, would be glad to propose a stronger measure—one of immediate recognition—but feels restrained by the dictates of his sober judgment. I, too, Mr. President, would be most happy if the state of our information, and the course of events, were such as to warrant the adoption of that stronger measure. But I do not concur in the opinion which has been expressed, that the actual independence of Texas, by the overthrow or expulsion of the armies of Mexico, is the only consideration which should guide us in deciding the question of recognition. There is another, scarcely of less importance, and that is, whether there is in Texas a civil government in successful operation, competent to sustain the relations of an independent power. This is the very point on which we want information, and that respecting which the president is, we are given to understand, now endeavoring to obtain it. And, surely, considering how recently Texas has adopted a constitution of government, it is not unreasonable to wait a short time to see what its operation will be.

But there are other considerations which ought not to be overlooked by a wise and discreet government. We are told by the senator from South Carolina that the vice president of of Texas is on his way to La Vera Cruz to negotiate with the Mexican government a definitive treaty of peace between the two powers, and, consequently, an acknowledgment of the independence of Texas. This fact furnishes an aditional motive on the part of the United States for forbearing, at present, to proceed to the formal acknowledgment of the independence of Texas. And how much more glorious will it not be for Texas herself, by her own valor, to force from her enemy the first acknowledgment of her independence?

We ought to discriminate between Santa Ana—the bloodthirsty, vain-boasting, military tyrant, who has met in his overthrow and captivity, a merited fate—and the eight millions of Mexicans over whom he was exercising military sway. We should not allow the feelings of just indignation, which his conduct has excited, to transport us against the perhaps unoffending people whom he has controlled. We ought to recollect that Mexico is our neighbor, having conterminous territory; that as long as we both remain independent powers, we shall stand in that relation to her; that we are carrying on, by sea and by land, a commerce highly beneficial to both parties; and that it is the interest of both to cultivate the most amicable and harmonious intercourse. If we proceed precipitately and prematurely, how will our conduct be regarded by Mexico? May we not lay the foundations of a lasting and injurious misunderstanding? If, indeed, Mexico delays unreasonably the acknowledgment of the independence of Texas, and resolves on the prosecution of the war, I should be far from thinking that the United States ought to postpone, to any distant day, the recognition of Texas, after the desired information is obtained. The senator from South Carolina has supposed it to be necessary to

recognise Texas in order to insure the execution of existing treaties with Mexico. So far as they affect Texas, she is as much bound by them as if they had been negotiated under her express authority. For I suppose it to be incontestable that a nation remains bound by all the treaties it has formed, however often it may think proper to change the form of its government; and that all the parts of a common nation also continue so bound, notwithstanding and after they shall have formed themselves into separate and independent powers.

Then there are other considerations which recommend us to act on full information, and with due deliberation. It is undeniable that many citizens of the United States, impelled by a noble devotion to the cause of liberty, have rushed to the succor of Texas, and contributed to the achievement of her independence. This has been done without the sanction or authority of this government; but it nevertheless exposes us to unworthy imputations. It is known that European powers attribute to our union unbounded ambition, and a desire of aggrandizing ourselves at the expense of our neighbors. The extensive acquisition of territory by the treaties of Louisiana and Florida, peaceful and upon a fair consideration as it was, is appealed to as sustaining the unfounded charge against us. Now, if, after Texas has declared her independence not quite four months ago, we should hasten to acknowledge it, considering the aid afforded by citizens of the United States, should we not give countenance to those imputations? Does not a just regard to our own character, as a wise, cautious and dignified power, a just regard to the opinion of the people of Mexico, and a just regard to that of the impartial world, require that we should avoid all appearance of haste and precipitation? And, when we have reason to suppose that not a single hostile bayonet remains in Texas, and when the ceremony of recognition, performed now or a few months hence, can be of no material consequence to her, is it not better for all parties that we should wait a little while longer.

The senator from South Carolina refers to the policy which has constantly guided our councils in regard to the acknowledgment of new powers or new governments, and he has correctly stated it. But it would not be at all difficult if it were proper to detain the senate, to show an essential difference between the present instance and the cases of France, of Spanish America and of Greece, to which he has adverted. There is an obvious difference in the duration of the new governments, and the degree of information which we possess about them.

The senate, without the co-operation of the executive in some way, is incompetent to recognize Texas. The president tells us, in his message, that he has adopted measures to acquire necessary information to guide his judgment. We also want it. He cannot be justly accused of having delayed unreasonably to act. There is ground to believe not only that Texas is independent, but that it has a government in practical operation. I sincerely hope it has; and that it has laid, on deep foundations, perfect securities for liberty, law and order. In the mean time, every prudential consideration seems to me to require that we should stop with the resolution and proposed amendment. Such appears to be the deliberate judgment of the senator himself. I sincerely, I most anxiously hope that the desired information will be soon obtained by the executive; and that the feelings and wishes for the acknowledgment of the independence of Texas, which so generally prevail among our constituents, may be speedily gratified.

After some further debate, the resolution was agreed to by a unanimous vote.

Mr. *Webster* added a few words to express his entire acquiescence in the resolution of the committee and the amendment. He was willing to go so far as to vote funds to enable the president to send out a proper minister. But against a direct recognition he thought there existed strong objections. It was the proper function of the president to take the lead in this matter. He was of the opinion that the recency of the revolution was an objection to immediate recognition. Time was expedient where the object was not of peculiar urgency. He adverted to the generally cautious policy of our government, carried even to the point of timidity in reference to Greece; and referred to the fact that general Houston had seconded his resolutions on the subject of sending commissioners to that republic.

Mr. *Walker* made some remarks to show that Mexico had never exercised the power of government in Texas, except during a short interval when Santa Ana was in Texas.

Mr. *Buchanan* concurred in every sentiment expressed in the report of the committee, and congratulated the senate on the spectacle exhibited by the people of the United States, who, although operated upon by the strongest feelings of indignation at the outrageous conduct of the Mexicans, had confined themselves within the limits of our established policy. He did not perceive that any disadvantage could result to Texas from a little delay, now that she is in the full tide of her prosperity.

Mr. *Calhoun* congratulated the senate on the tone of the discussion; stated that he had hoped we should be ready to recognise Texas before now: but, under existing circumstances, he thought we should only go at present so far as the report and resolution contemplate.

The debate was continued by Messrs. *Niles*, *Southard*, *Benton* and *Preston*, when the amendment was agreed to.

Mr. *Preston* asked for the yeas and nays on the resolution; which were ordered, and the question being taken, was decided as follows:

YEAS—Messrs. Bayard, Benton, Black, Buchanan, Calhoun, Clay, Clayton, Cuthbert, Davis, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Grundy, Hendricks, Kent, King, of Ala. King, of Geo. Leigh, Linn, Mangum, Moore, Nicholas, Niles, Page, Porter, Preston, Rives, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White, Wright—39.

So the resolution was unanimously adopted.

Mr. *Leigh*, on leave, introduced a bill to extend the privilege of franking to Dolly P. Madison, relict of James Madison, during her life; and the bill was read three times, and passed.

Mr. *Webster*, from the committee on finance, reported a bill from the house making appropriations for the West Point academy, and the bill was taken up, considered as in committee of the whole, and ordered to a third reading. The bill was then read a third time, and passed.

Mr. *Webster*, from the same committee, reported, without amendment, a bill from the house making appropriations for the suppression of Indian hostilities, and for other purposes, which was taken up, considered as in committee of the whole, and ordered to a third reading. The bill was then read a third time, and passed.

On motion of Mr. *Swift*, the senate agreed to take a recess from 3 to 5 o'clock.

Several bills ordered to a third reading were read a third time and passed—and others ordered to be engrossed. [Among them was a bill to renew the gold medal given to gen. Morgan in honor of the battle of the Cowpens.]

The senate took a recess until 5 o'clock.

Evening session. A message was received from the president of the United States, in reply to a resolution of January last, in relation to frauds in Indian reservations; which was ordered to be laid on the table.

The senate considered as in committee of the whole a bill for the relief of the sureties of Nicholas Kern. Ordered to a third reading.

Mr. *White*, from the committee on Indian affairs, reported the bill from the house making appropriations for carrying into effect certain Indian treaties, with amendments. The bill was taken up, and, after some discussion between Mr. *White* and Mr. *Webster*, the amendments were ordered to be engrossed.

The bill making appropriations for fortifications was received from the house, with a message concurring in one amendment, and non-concurring in the other.

On motion of Mr. *Webster*, the senate receded from the amendments which had not received the concurrence of the house.

The senate, on motion of Mr. *Davis*, took up the bill to regulate the compensation of certain officers of revenue cutters.—The amendments of the committee were agreed to, and ordered to be engrossed.

The senate took up the bill making additional appropriations for the Delaware breakwater, &c.

There was a discussion on this bill, in which Messrs. *Davis*, *Mangum*, *Buchanan*, *Walker*, *Preston*, *Porter*, *Linn*, *Moore*, *Calhoun*, *Webster*, *Leigh*, *Wright* and *Southard* took part.

The committee on commerce had reduced the amount of appropriations in this bill one-third from that which had passed the house.

Mr. *Clayton* asked for the yeas and nays on the reduction made by the committee of the appropriation for Newcastle harbor, in order that he and his colleague might record their votes against it. The yeas and nays being ordered, the question was taken and decided in favor of the reduction—yeas 22, nays 5.—The other amendments of the committee were concurred in.—On motion of Mr. *Davis*, the bill was amended by the addition of an appropriation of $30,000 for surveys, under an existing law of congress.

The bill was then reported to the senate, and ordered to a third reading by the following vote:

YEAS—Messrs. Bayard, Davis, Clayton, Ewing, of Ohio, Ewing, of Ill. Goldsborough, Hendricks, King of Alabama, Linn, Niles, Page, Robbins, Robinson, Southard, Swift, Tallmadge, Tomlinson, Wall, Webster, Wright—24.

NAYS—Messrs. Calhoun, King, of Georgia, Leigh, Walker, White—5.

At half-past one the senate adjourned.

July 2. Mr. *Morris* presented a number of petitions on the subject of slavery. Mr. *Walker* moved that the petitions be not received—and then moved that the motion be laid on the table.

A number of private bills were considered and disposed of.

A bill making additional appropriations for the Delaware breakwater, and for other purposes, was read a third time; and the question being on its passage,

Mr. *Calhoun* asked for the yeas and nays; which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Bayard, Benton, Buchanan, Cuthbert, Davis, Ewing, of Ill. Ewing, of Ohio, Goldsborough, Grundy, Hendricks, King, of Alab. Linn, Niles, Page, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—25.

NAYS—Messrs. Black, Calhoun, Clay, King, of Georgia, Leigh, Mangum, Nicholas, Porter, Preston, Rives, Walker, White—12.

Mr. *Davis*, from the committee on commerce, made a report on the bill from the house making appropriations for light

houses, &c. referred to that committee yesterday. The report states that in so short a period as that allowed to them, it had been found impossible to give that examination to the bill which its importance required; and, although there are many useful objects which must suffer, the committee find themselves compelled to return the bill, for the senate to make such disposition of it as may be thought desirable.

The bill granting half pay to the widows and orphans of the officers and soldiers who have died, or shall die in the service of the United States, was amended and ordered to be engrossed for a third reading.

Mr. *Davis*, from the committee on commerce, reported the bill making appropriations for certain harbors, &c. with amendments.

The senate then proceeded to the consideration of the bill.

The amendments reported from the committee were considered and agreed to.

At 3 o'clock the senate took a recess until 5 o'clock.

Evening session. The senate resumed the consideration of the bill making appropriations for harbors, &c. which received several amendments and gave rise to considerable discussion, during which Mr. *King*, of Georgia, moved to postpone the further consideration of it until December next, and called for the yeas and nays on the motion—which were ordered and the motion rejected, yeas 17, nays 22 The bill was then reported with the amendments; when, finally, they were ordered to be engrossed, and the bill to be read a third time—yeas 21, nays 17. The bill was then passed.

The senate proceeded to consider the amendments made by the house of representatives to the bill to reorganize the general land office, and they were concurred in.

At half past eleven, the senate proceeded to the consideration of executive business.

The doors were reopened at half past twelve.

The senate then proceeded to consider the bill for the construction of the national road from Vandalia to the Mississippi river; which was ordered to a third reading.

The amendments to the bill to authorise additional paymasters, made by the house, were taken up and concurred in.

Mr. *Wright*, from the committee on finance, reported the amendments of the house to the bill in addition to the act making appropriations for the service of the government, with a recommendation to concur in all except the two items for removing the naval monument to the botanic gardens, and for extending the capitol square. The report was agreed to, so far as concerns the removal of the monument, but the appropriation for extending the capitol square was retained.

The senate took up the bill to continue the Cumberland road to Jefferson city, Missouri; which was ordered to be read a third time.

On motion of Mr. *Davis*, the senate reconsidered the vote by which a bill to repeal so much of the act of March 2, 1799, as requires the issuing of certificates on the importation of wines, was rejected, and it was read a third time and passed

The senate took up the bill for the adjustment of claims to reservations of the Choctaw Indians, under the treaty of Dancing Rabbit Creek; which was ordered to *lie on the table.*

It was ordered, on motion of Mr. *Ewing*, of Ohio, that when the senate adjourns, it adjourn to meet at 8 o'clock on Monday morning.

The senate then (at 3 o'clock) adjourned, (only eight members being present).

July 4. Mr. *Davis*, from the committee on commerce, reported the following resolution; which was agreed to:

Resolved, That the secretary of the treasury be directed to cause to be collected and laid before the senate at its next session all such facts and information as can be obtained through the custom house, or from other sources, respecting the deportation of paupers from Great Britain and other places, ascertaining as nearly as possible to what countries such persons are sent, where landed, and what provision, if any, is made for their future support.

On motion of the various chairmen of committees, the committees were discharged from the further consideration of the business referred to them.

On motion of Mr. *Clayton*, the senate proceeded to the consideration of executive business; and, after a short time, the doors were reopened.

Mr. *Davis* offered the following resolutions:

Resolved, That the secretary of war cause to be prepared and laid before the senate at its next session a statement, showing what improvement of harbors, rivers and other objects have been commenced by the United States, what was the original estimated cost of each of such improvements, what sums of money have from time to time been appropriated in aid of each object, what balances of such appropriations remain unexpended, and what is the present condition of each work.

Resolved, That the said secretary cause to be collected and arranged in chronological order all reports of surveys made for such objects which have been printed, and also all such as have not been printed, together with the maps and drawings, with an index or indexes of reference, that they may be laid before the senate at its next session.

The resolutions were agreed to.

A message was received from the house stating that the house had suspended the 17th joint rule in reference to certain bills which have not yet passed.

As it requires the unanimous consent of the senate to take up a resolution on the day when it is introduced for consideration, and an objection was made by Mr. *Mangum*, the chair decided that the resolution could not be considered.

Mr. *Calhoun* sustained the objection, and thanked his friend from North Carolina for making it. He deemed it of the utmost importance that the senate should take a stand on the principle of this rule to check the practice of hurrying bills through at the last moment of the session.

The president of the senate, (Mr. *King*, of Alabama), indicated that he felt it to be his duty to sign the bills whether the joint rules were suspended so as to allow them to be offered to the president of the United States for his signature or not. He accordingly signed them.

Mr. *Mangum* withdrew his objection.

Mr. *Benton* appealed from the decision of the chair that a resolution of this kind could not be taken up for consideration on the same day; but to make all safe, as a majority could rescind a rule, he had drawn up a resolution to rescind. He then read a resolution that so much of any rule as prohibits the presentation of a bill to the president on the last day of the session be repealed.

The chair stated that it would require one day's notice before such a resolution as the senator had read could be received by the senate.

Mr. *Black* moved to amend the resolution by confining its operation to the bills which have been enrolled and signed by the president of the senate and the speaker of the house. The amendment was agreed to, and the bills were transmitted to and signed by the president accordingly.

A message of an executive character was received from the president, and,

On motion of Mr. *Grundy*, the senate proceeded to the consideration of executive business, (ten minutes past one o'clock), and in a few minutes the doors were reopened.

The usual message was received from the house, stating that the house, having completed all the business before it, is now ready to adjourn.

Mr. *Grundy*, from the joint committee appointed to wait on the president, reported that they had performed that duty, and that they had received for answer that he had no further communication to make.

The senate then adjourned *sine die.*

HOUSE OF REPRESENTATIVES.

Thursday, June 30. *Evening session.* The following remarks were made by Mr. *Patton*, of Va. and Mr. *Adams*, upon the death of Mr. Madison, announced by the president of the U. States to the house of representatives.

The message of the president having been read, Mr. *Patton*, of Virginia, said that the particular relation in which he stood, as his immediate representative and personal friend, towards the great public benefactor whose decease, "full of years and full of honors," had just been announced by the message of the president of the United States, had induced the Virginia delegation to devolve upon him the mournful duty of proposing for the adoption of the house the resolution he was about to offer, for the purpose of determining upon the course to be pursued for giving expression to the national sensibility to the great bereavement we had suffered.

I do not, however, Mr. Speaker, feel it to be a suitable occasion in which to employ or indulge in any studied phrase of panegyric upon the public or private virtues of the venerable man whose loss we deplore.

It is true, sir, that early imbued with the sincerest veneration for the character of Mr. Madison, with the profoundest admiration of his talents, and the warmest gratitude for his eminent and varied public services, there is no language that I could employ which would exaggerate the deep emotion with which I have been impressed by the melancholy intelligence of his death. And I am sure that it would be equally impossible for me to speak of him in any terms that would depict an individual pre-eminent in all the virtues of social and private life, or one that combined the merits of a patriot, statesman and sage, that would not find a ready and full response in the minds and hearts of all who hear me. But it is not a feeble effort of this kind, such as I could make, nor even by the highest effort of human eloquence, the lofty inspiration of poetry, "the storied urn or animated bust," than can rear an appropriate monument to the memory of Mr. Madison, or erect a suitable monument to his fame.

His appropriate and enduring eulogium is to be found inscribed in those pages of his country's history, which are identified with her honor and glory. It is engraved upon every pillar of that splendid fabric of constitutional liberty under which we live. It is identified with the existence of that glorious union of confederated states which he contributed so essentially to form, and the maintenance and preservation of which with all its numerous blessings, were the constant objects of his care during his long, laborious and useful public life, and of his most earnest and anxious solicitude in the shade of retirement.

And, Mr. Speaker, another and not less decisive and more affecting evidence of his merit and title to public gratitude, will be found in the deep grief with which his loss will be deplored by every man in the nation as a great national calamity. I offer the resolution which I now send to the chair.

Resolved, That a committee be appointed on the part of this house, to join such committee as may be appointed on the part

of the senate, to consider and report by what token of respect and affection it may be proper for the congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the president of the United States to this house.

The resolution having been read, Mr. *Adams* rose, and addressed the speaker. By the general sense of the house, (said he), it is with perfect propriety that the delegation from the commonwealth of Virginia have taken the lead in the melancholy duty of proposing the measures suitable to be adopted as testimonials of the veneration due from the legislature of the union to the memory of the departed patriot and sage, the native of their soil, and the citizen of their community.

It is not without some hesitation, and some diffidence, that I have risen to offer in my own behalf, and in that of my colleagues upon this floor, and of our common constituents, to join our voice, at once of mourning and of exultation, at the event announced to both houses of congress by the message from the president of the United States—of mourning at the bereavement which has befallen our common country by the decease of one of her most illustrious sons—of exultation at the spectacle afforded to the observation of the civilized world, and for the emulation of aftertimes, by the close of a life of usefulness and of glory, after forty years of service in trusts of the highest dignity and splendor that a confiding country could bestow, succeeded by twenty years of retirement and private life, not inferior, in the estimation of the virtuous and the wise, to the honors of the highest station that ambition can ever attain.

Of the public life of James Madison what could I say that is not deeply impressed upon the memory, and upon the heart of every one within the sound of my voice? Of his private life, what but must meet an echoing shout of applause from every voice within this hall? Is it not in a pre-eminent degree by emanation from his mind that we are assembled here as the representatives of the people and the states of this union? Is it not transcendently by his exertions that we all address each other here by the endearing appellation of countrymen and fellow citizens? Of that band of benefactors of the human race, the founders of the constitution of the United States, James Madison is the last who has gone to his reward. Their glorious work has survived them all. They have transmitted the precious bond of union to us now entirely a succeeding generation to them. May it never cease to be a voice of admonition to us of our duty to transmit the inheritance unimpaired to our children of the rising age.

Of the personal relations with this great man, which gave rise to the long career of public service in which twenty years of my own life has been engaged, it becomes me not to speak. The fullness of the heart must be silent, even to the suppression of the overflowings of gratitude and affection.

A message was received from the senate announcing the adoption of the following resolution by that body.

In senate of the United States, June 30.

Resolved, That a committee be appointed on the part of the senate, to join such a committee as may be appointed on the part of the house, to consider and report by what token of respect and affection it may be proper for the congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the president of the United States.

Ordered, That Mr. Rives, Mr. Clay, Mr. Calhoun, Mr. Grundy, Mr. Buchanan, Mr. Leigh and Mr. Tallmadge, be the committee.

Attest: WALTER LOWRIE, *secretary*.

The house concurred in the resolution, and according to a previous order, the committee was ordered to consist of one from each state in the union. [For the committee see page 306.]

The house then resumed, in committee of the whole on the state of the union, (Mr. *Lincoln* in the chair), the consideration of the bill making further appropriations to carry into effect certain Indian treaties, the motion of Mr. *Adams* to strike out so much of the bill as provides for the execution of the Cherokee treaty still pending.

Mr. *Calhoun*, of Kentucky, took the floor, and addressed the committee at considerable length, and with great earnestness, in support of the motion to strike out. Mr. *Wise* followed, and spoke for three hours in the strongest opposition to the appropriation moved to be stricken out. Mr. *Peyton* spoke briefly in support of the measures. The motion of Mr. *Adams* was then rejected, and Mr. *Wise* moved to amend the bill so as to make the appropriations, but to omit the words recognizing the treaty, which was also rejected. On motion of Mr. *Cambreleng*, the committee rose, and reported the bill and amendments.

The house concurred in the amendments; and the question being on ordering the bill to be engrossed for a third reading, Mr. *Adams* asked the yeas and nays, and they were ordered.

The question being taken, it was decided in the affirmative—yeas 125, nays 43. So the bill was ordered to be engrossed for a third reading; and it was then read a third time. The question being on its passage, Mr. *Vinton* asked for the yeas and nays; which were ordered and are as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bell, Bocker, Bouldin, Boyd, Bunch, Burns, Cambreleng, Campbell, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Forester, Fowler, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillett, Grantland, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harper, A. G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Hubley, Huntsman, Ingham, J. Jackson, Jarvis, R. M. Johnson, C. Johnson, Henry Johnson, J. W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, G. Lee, T. Lee, L. Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Job Mann, Martin, J. Y. Mason, W. Mason, Moses Mason, Maury, May, McKay, McKim, Miller, Montgomery, Morgan, Owens, Page, Parker, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Wm. B. Shepard, Shields, Shinn, Sickles, Smith, Storer, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Towns, Turrill, Wagener, Ward, Wardwell, Washington, Webster, White, T. T. Whittlesey, S. Williams —127.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beale, Beaumont, Bond, Briggs, John Calhoun, W. B. Calhoun, G. Chambers, N. H. Claiborne, Clark, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Graves, Grennell, Hard, Harlan, Hazeltine, Henderson, Heister, Hoar, Howell, Hunt, Ingersoll, Jenifer, Lawrence, Lay, Lincoln, Love, Sampson Mason, McCarty, McKennan, Mercer, Milligan, Morris, Phillips, Potts, Reed, Robertson, Russell, Slade, Taliaferro, Vinton, Elisha Whittlesey, Lewis Williams, Wise —54.

So the bill was passed, and sent to the senate for concurrence.

The house, on motion of Mr. *Cambreleng*, went into committee of the whole on the state of the union generally (Mr. *Mason*, of Virginia, in the chair).

The committee took up the bill making an additional appropriation of $2,400,000 for the suppression of Indian hostilities. After some debate, the bill was laid aside to be reported, and the "bill making appropriations for the military academy of the United States for the year 1836" was taken up. After some remarks from Messrs. *Pierce*, of N. H. *Ward*, *Lewis*, *Cambreleng*, *Briggs*, *Boon*, *White* and *Hawes*, Mr. *Hawes* gave way for a motion that the committee rise. A quorum not voting, the committee rose and reported the fact to the house. The *speaker* having caused the house to be counted, reported that a quorum was present. Mr. *Ingersoll* offered a resolution for the appointment of a select committee to investigate the concerns of the West Point military academy. Lost. The house went again into committee, and Mr. *Hawes* moved to strike out the enacting clause of the bill making appropriations for the West Point academy, and spoke at length in support of the motion; which was rejected. The committee, at 12 o'clock, rose, and reported both of the above bills without amendment, and they were severally ordered to be engrossed, and were then read a third time and *passed*.

The house went into committee of the whole on the bill to provide for the erection of a fire-proof building for the accommodation of the departments of the treasury and of state. After some debate, in which Messrs. *Taliaferro* and *Jarvis* took part, the committee rose and reported that a quorum was not present.

Mr. *Patton*, from the select joint committee to whom was referred the message of the president, announcing the death of James Madison, made the following report:

The president of the United States having communicated to the two houses of congress the melancholy intelligence of the death of their illustrious and beloved fellow citizen, *James Madison*, of Virginia, late president of the United States, and the two houses sharing in the general grief which this distressing event must produce,

Resolved by the senate and house of representatives of the U. States of America in congress assembled, That the chairs of the president of the senate and of the speaker of the house of representatives be shrouded in black during the present session, and that the president of the senate, the speaker of the house of representatives, and the members and officers of both houses wear the usual badge of mourning for thirty days.

Resolved, That it be recommended to the people of the United States to wear crape on the left arm as mourning for thirty days.

Resolved, That the *president of the United States* be requested to transmit a copy of these resolutions to Mrs. *Madison*, and to assure her of the profound respect of the two houses of congress for her person and character, and their sincere condolence on the late afflicting dispensation of Providence.

The resolutions were adopted unanimously.

The house then adjourned.

Friday, July 1. Mr. *Bell*, from the committee on Indian affairs, reported a resolution; which was read, as follows:

Resolved, That the committee on Indian affairs have power to sit in the recess of congress for the purpose of completing the investigation directed by the resolution of this house of the 15th of January last, and that any two or more of their number, under the direction of the committee, be authorised to take testimony in relation to the same.

Mr. *Mann*, of New York, asked the yeas and nays on the adoption of the resolution; which were ordered. He next moved to lay the resolution on the table. Mr. *E. Whittlesey* asked the yeas and nays; which were ordered, and were yeas 69, nays 84. Mr. *J. Y. Mason* moved to postpone the further consideration of the resolution till to-morrow. Mr. *Hawes* moved the

previous question; which was seconded. The main question was ordered to be put. The question was then taken on the adoption of the resolution, and there appeared yeas 87, nays 87.

The *speaker* voted in the negative. So the resolution was lost.

A number of bills were reported, read twice and committed, and will be further noticed when finally acted on.

Mr. *Lewis* said he held in his hand a most extraordinary and interesting document in relation to events connected with the Creek war. He sent it to the chair to be read, and stated that he should offer a resolution on the subject which, he hoped, would lead to no debate.

[The memorial which was read is from the citizens of Georgia and eastern Alabama, and represents that the Indian hostilities in which the people of that country are involved were caused by individuals jointly associated under the name of land companies, whose proceedings and contracts were of the most nefarious character. The memorialists ask congress to institute an investigation into the circumstances which, as they represent, will not fail to exhibit a state of facts of the most revolting character. They intimate that the press of that country is entirely under the control of these heartless agitators, and that, through bribery and corruption, all the channels of information to the public and to the government on this subject are closed.]

Mr. *Lewis* then offered a resolution, which was read as follows:

Resolved, That the memorial of certain citizens of Alabama and Georgia, respecting alleged frauds in the purchase of the reservations of the Creek Indians, and the causes of their present hostilities, be referred to the president of the U. States; and that he be requested to cause such measures to be taken for investigating these transactions, and for the prosecution of the persons engaged in them, who may have been guilty of any breaches of the laws as may appear to be proper, and within the power of the executive.

Mr. L. expressed the hope that the matter would be thoroughly investigated, and that the individuals who had been guilty of exciting the hostility of the Creeks might be brought to condign punishment.

This resolution gave rise to a very animated debate in which a large number of members participated—but we must defer the particulars until next week. At half past 2 o'clock, Mr. *Adams* having concluded his remarks, the house took a recess.

Evening session. Several bills received from the senate were read a first and second time, and referred.

The bill from the senate to confirm the titles to public lands in certain cases, was read three times, and passed.

Several private bills returned from the senate with amendments, were taken up, and the house concurred therein.

The bill making appropriations for certain fortifications, returned from the senate with amendments, was taken up. The amendments were to strike from the bill the clause authorising the purchase of sites, the construction of arsenals and depots for arms, in Arkansas, Missouri and Tennessee, provided the same should not cost over $14,000 each, and to add a section providing that the appropriations should be drawn from the treasury only as they were wanted for actual disbursement. After some remarks from Messrs. *Cambreleng*, *Hall*, of Vermont, *Dunlap*, *Ashley* and *R. M. Johnson*, the question was taken upon concurring in the first amendment, and decided in the negative.

The second amendment was then concurred in by the house.

On motion of Mr. *Patton*, the resolution from the senate, proposing to suspend that rule of the house which provides that no bill originating in either house of congress shall be sent to the other house during the last three days of the session, so far as regarded a bill from the senate in favor of Dolly P. Madison, was taken up, and adopted unanimously. On motion of Mr. *Patton*, by general consent, the bill to extend the privilege of franking letters and packages to Dolly P. Madison, relict of James Madison, was taken up, read three times, and passed.

Mr. *R. M. Johnson*, from the committee on military affairs, reported the bill from the senate, without amendment, to establish a foundry, and construct arsenals in the south western states, and to provide depots of arms in states where none have been established; which was read a first and second time, and referred.

The house then proceeded to the unfinished business of the morning session, being the resolution of Mr. *Lewis*, as modified, proposing an inquiry into alleged frauds in the purchase of lands from the Creek Indians, according to the suggestion of Mr. *Wise*, with the amendments and substitutes thereto, proposed by Messrs. *Garland*, of La. and *Ripley*.

The discussion was renewed, when, after a variety of motions, the resolution was adopted in the following form—ayes 91, noes not counted.

Resolved, That the memorial of certain citizens of Alabama and Georgia, respecting alleged frauds in the purchase of the reservations of the Creek Indians, and the causes of their present hostilities, be referred to the president of the U. States, and that he be requested to cause such measures to be taken for investigating these transactions, and for the prosecution of the persons engaged in them who may have been guilty of any breaches of the laws, as may appear to be proper, and within the power of the executive.

The bill from the senate, supplementary to the act regulating the public deposites, was read twice, and referred.

The bill to provide for the compensation of officers of revenue cutters came back from the senate, with amendments reducing the salaries proposed to be allowed to those officers; which were concurred in by the house.

Mr. *Jarvis*, from the committee on naval affairs, reported the bill from the senate to regulate the pay of the officers of the marine corps of the United States.

Mr. *Whittlesey*, at half past nine P. M. called for the orders of the day; and, after some conversation on the priority of business, the house went into committee of the whole, for the consideration of certain private bills from the senate. The house sat till one o'clock, passing upon a multitude of bills, and then adjourned.

Saturday, July 2. Several senate bills for the relief of private individuals were reported from the standing committees, and severally committed to the committee of the whole.

Mr. *Bell*, from the committee on Indian affairs, to which was referred an inquiry concerning fraudulent contracts for Indian reservations, made a report in part, which he submitted to the disposition of the house.

On motion of Mr. *Hawes*, the report was ordered to be printed.

Mr. *Hunt*, from the select committee appointed to inquire whether any and what members of congress, heads of departments, and other officers of the government, had obtained accommodations and facilities from any bank or banks in obtaining the use of public money for the purposes of speculation in the public lands, submitted a report, concluding with the following resolutions:

Resolved, That the select committee appointed by this house on the 20th June, 1836, be increased to nine, and that the said committee have power to sit during the recess of this house.

Resolved, That the said committee embrace, in their inquiries, any connexion between deposite banks or others and the land offices, for the purposes of speculation.

Resolved, That the said committee inquire how far, and to whom, for speculation in public lands, the deposite banks have issued certificates of deposite without an actual deposite in cash, and to what extent they have been received in payment for purchases of public lands at the several land offices.

Resolved, That said committee inquire how far, and to what extent, combinations in the purchase of the public lands have been formed, or are forming, sufficiently strong, from interested motives, to control, to any extent, the legislative action of congress.

Mr. *Hunt* addressed the house at some length, in explanation of the course taken and recommended by the committee; and stated that the report and resolutions had the unanimous assent of the committee.

Mr. *Lane* moved that the report and resolutions be laid on the table and printed, remarking at the same time, in justice to himself, that he had no interest in making the motion, having had no connexion with any banks, having received no accommodation or facilities from them, and having had nothing to do with land speculations.

Mr. *Pearce*, of Rhode Island, (a member of the committee), begged leave to ask the gentleman whether he could say the same of his son; and whether his son had not made forty or fifty thousand dollars through bank facilities? Mr. P. was called to order. Mr. *Adams* called for a division of the question, so as to be first taken on laying on the table. Mr. *Williams*, of North Carolina, asked the yeas and nays, which were ordered, and being taken were as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Boyd, Buchanan, Burns, Cambreleng, Casey, Geo. Chambers, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Dickerson, Doubleday, Dunlap, Effner, Fairfield, Farlin, Fowler, Fry, William K. Fuller, Gillett, Grantland, Albert G. Harrison, Hawkins, Haynes, Henderson, Heister, Hubley, Hutington, Jabez Jackson, Jarvis, R. M. Johnson, Cave Johnson, John W. Jones, Judson, Kennon, Lane, Lansing, Gideon Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, Moses Mason, May, McKim, McLene, Miller, Montgomery, Moore, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Potts, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Shinn, Sickles, Smith, Sutherland, Taylor, John Thomson, Toncey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Thomas T. Whittlesey—98.

NAYS—Messrs. Adams, Chilton Allan, Bailey, Beaumont, Bell, Bond, Bouldin, Briggs, Bunch, Carter, Childs, John F. H. Claiborne, Clark, Corwin, Crane, Darlington, Evans, Everett, Forester, James Garland, Granger, Graves, Grennell, Griffin, Hardin, Harlan, Harper, Hawes, Hazeltine, Hoar, Hopkins, Howell, Hunt, Huntsman, Ingersoll, Ingham, Janes, H. Johnson, Kinnard, Lawrence, Luke Lee, Lewis, Lincoln, Love, Sampson Mason, Maury, McCarty, McKay, McKennan, Mercer, Milligan, Morris, Dutee J. Pearce, Peyton, Phillips, Reed, Rencher, Robertson, Russell, Wm. B. Shepard, Shields, Spangler, Standefer, Storer, Taliaferro, Thomas, Underwood, E. Whittlesey, L. Williams, S. Williams, Wise—71.

So the report and resolutions were ordered *to lie on the table*, and they were then ordered to be printed.

The house resolved itself into a committee of the whole on the state of the union generally, (Mr. *J. Y. Mason* in the chair), and took up for consideration the bill for the reorganization of the general land office.

The bill was read, and the question being on the amendments recommended by the committee on the public lands. After a long discussion, the amendments were agreed to and the bill then laid aside to be reported.

The committee took up the bill supplementary to the act making appropriations for the support of government for the year 1836; and, after some consideration, it was laid aside to be reported.

At half past two o'clock the committee rose, and the house took the usual recess.

Evening session. The bill to carry into effect certain Indian treaties, returned from the senate with amendments, was taken up, and the amendments were concurred in.

The house also concurred in the amendments of the senate to the bill making additional appropriations for the Delaware breakwater, and for the improvement of certain harbors, and the removal of obstructions at the mouths of certain rivers.

The house then resolved itself into a committee of the whole on the state of the union generally, and took up for consideration the bill supplementary to the bill making appropriations for the support of government for the year 1836.

[This bill provides for the payment of members of both houses, and for the compensation of the officers of government not otherwise provided for.]

A number of amendments were offered to this bill, some of which were adopted. Mr. *Parks* moved to amend it by inserting a provision for the extension of the grounds of the capitol square to 1st street, including what is called the botanic garden, between Pennsylvania and Maryland avenues. The motion was then advocated by Messrs. *Parks* and *Ward*, and agreed to. Mr. *Graves* moved to amend the bill by adding an appropriation for the purchase of the individual stock in the Louisville and Portland canal company, which, after considerable discussion, was rejected, and the bill was laid aside to be reported.

The "bill to promote the progress of the useful arts, and to repeal all acts, or parts of acts, heretofore made for that purpose," was taken up; and, after some discussion upon the many propositions to amend the bill, by providing for the erection of buildings for the accommodation of the treasury and state departments, and other measures, a vote being taken, it was found that a quorum was not present. The committee rose, and reported this fact to the house, and a call was ordered and proceeded in for some time.

The house went again into committee, after having obtained a quorum, and the discussion of the above bill was renewed. Upon taking a vote there appeared to be no quorum, and the committee rose, and a call of the house was again ordered and proceeded in. When the house went again into committee, on motion of Mr. *Cambreleng*, the committee rose, and reported the bill for the reorganization of the land office, and the supplementary bill making appropriations for the support of government for the year 1836, with the amendments, and the amendments were agreed to, and the bills severally ordered to a third reading, read a third time and *passed*.

On motion of Mr. *Cambreleng*, the house went again into committee of the whole on the state of the union, and resumed the consideration of the bill to promote the progress of the useful arts, &c. and, after the adoption of some amendments, the bill was laid aside to be reported. Many propositions were made and rejected for taking up different bills. On motion of Mr. *R. M. Johnson*, the committee took up the bill to appoint three additional paymasters to the army; and after some consideration, it was laid aside to be reported; also, the bill appointing additional surgeons and assistant surgeons for the army.

On motion of Mr. *Thomas*, the committee took up the bill to extend the circuit court system of the United States; and after a very earnest debate of long continuance, the bill was passed over for want of time further to discuss it. The bill to suspend the discriminating duties on goods imported in Portuguese vessels; and to reduce the duties on wines, was considered and laid aside to be reported. The committee rose, and reported the above bills, and they were severally ordered to a third reading, read a third time and passed. The house went again into committee upon a variety of senate bills, several of which were considered, reported and finally passed. The house continued to sit until five o'clock, acting upon some bills, which will be found enumerated in the list of laws. Much more business would probably have been transacted, but for an unpleasant occurrence, which involved a question of a violation of order by a member of the house, and which, after debate, ended in a unanimous vote of censure of that member.

After passing which, the house adjourned, to meet again at 8 o'clock on Monday.

Monday, July 4. A resolution to suspend the operation of certain joint rules which prohibit the sending of bills to the president after a certain day was adopted.

Mr. *Mason*, of Va. by consent, made a report from the committee on foreign affairs, on the subject of the recognition of the independence of Texas.

The report was read, and the concluding resolutions are as follows:

1. *Resolved*, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in operation a civil government, capable of performing the duties, and fulfilling the obligations, of an independent power.

2. *Resolved*, That the house of representatives perceive with satisfaction that the president of the United States has adopted measures to ascertain the political, military and civil condition of Texas.

Mr. *Adams* moved that the report and resolutions be laid on the table.

Mr. *Pinckney* asked the yeas and nays on the motion, and they were ordered.

The question being taken, it was determined in the negative, as follows:

YEAS—Messrs. Adams, Heman Allen, Bailey, Barton, Beale, Beaumont, Bond, N. H. Claiborne, Clark, Coles, Crane, Evans, Everett, Grennell, Hiland Hall, Hazeltine, Heister, Hoar, Hunt, Jarvis, H. Johnson, Lawrence, Lay, Lincoln, Love, McKennan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Schenck, Slade, Smith, Sprague, Turrill, Vinton—39.

NAYS—Messrs. Ash, Bell, Bockee, Boyd, Bunch, Bynum, W. B. Calhoun, Cambreleng, Carr, Carter, Casey, Chambers, Chaney, Chapman, Chapin, J. F. H. Claiborne, Cleveland, Coffee, Connor, Corwin, Cushing, Cushman, Denny, Dickerson, Doubleday, Dunlap, Forester, French, W. K. Fuller, Galbraith, James Garland, Rice Garland, Gillett, Granger, Grayson, Haley, Hamer, Hardin, Harlan, Albert G. Harrison, Henderson, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingersoll, Janes, Richard M. Johnson, Cave Johnson, John W. Jones, Kinnard, Lane, Lawler, Luke Lea, Lewis, Logan, Loyall, Lucas, Lyon, Mann, Martin, John Y. Mason, Wm. Mason, Maury, McCarty, McKay, McLene Montgomery, Morgan, Muhlenberg, Owens, Page, Patton, F. Pierce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Ripley, Robertson, Rogers, Seymour, Aug. H. Shepperd, Shields, Shinn, Sickles, Sloane, Spangler, Standefer, Storer, Taliaferro, John Thomson, Toucey, Underwood, Ward, Washington, Elisha Whittlesey, Thos. T. Whittlesey, Lewis Williams, S. Williams—108.

Mr. *Peyton*, remarked that he was as desirous as any member of the house could be, to discuss the subject of these resolutions; but, as neither the time nor the patience of the house would allow of a debate, he, for the first time in his life, moved the previous question.

The motion was seconded, and the main question was ordered to be put.

Mr. *Adams* asked a division of the question, so as to take it separately on each resolution.

The question was, accordingly, taken on the adoption of the first resolution, and it was decided in the affirmative by the following vote:

YEAS—Messrs. Ash, Bell, Bockee, Bond, Bouldin, Boyd, Bunch, Bynum, J. Calhoon, W. B. Calhoun, Cambreleng, Carr, Carter, Casey, G. Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, Cleveland, Coffee, Coles, Connor, Cushing, Cushman, Darlington, Denny, Dickerson, Doubleday, Dunlap, Forester, French, W. K. Fuller, Galbraith, J. Garland, R. Garland, Gillet, Granger, Griffin, A. Haley, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Haynes, Henderson, Heister, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, J. Jackson, R. M. Johnson, C. Johnson, Henry Johnson, John W. Jones, Kinnard, Lane, Laporte, Lawler, Lay, Gideon Lee, Thomas Lee, Luke Lea, Lewis, Loyall, Lucas, Lyon, Mann, Martin, J. Y. Mason, W. Mason, Maury, May, McCarty, McKay, McKennan, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Patton, F. Pierce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Ripley, Robertson, Rogers, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Sloane, Smith, Spangler, Standefer, Storer, Sutherland, Taliaferro, Thomas, J. Thomson, Toucey, Towns, Underwood, Ward, Washington, E. Whittlesey, T. T. Whittlesey, Lewis Williams, S. Williams—128.

NAYS—Messrs. Adams, Heman Allen, Bailey, Beale, Clark, Crane, Grennell, H. Hall, Hazeltine, Jarvis, Lawrence, Lincoln, Love, D. J. Pearce, Phillips, Potts, Reed, Russell, Slade, Vinton—20.

The question being on the second resolution,

Mr. *Adams* said he wished to ask the chairman of the committee on foreign relations what evidence he had of the fact stated in the resolution.

Mr. *Hardin*. I can inform the gentleman that the president himself stated it to me, in conversation, several days ago.

The question being taken, the resolution was agreed to as follows:

YEAS—Messrs. Ash, Beale, Bockee, Bond, Boyd, Bunch, Bynum, John Calhoon, W. B. Calhoun, Cambreleng, Carr, Carter, Casey, G. Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Coffee, Coles, Connor, Cushing, Cushman, Denny, Dickerson, Dunlap, Farlin, Forester, French, W. K. Fuller, Galbraith, James Garland, R. Garland, Gillett, Grayson, Haley, Hamer, Hardin, Harlan, A. G. Harrison, Haynes, Henderson, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingersoll, J. Jackson, Jarvis, R. M. Johnson, Cave Johnson, H. Johnson, J. W. Jones, Kinnard, Lane, Lawler, Lay, G. Lee, T. Lee, L. Lea, Lewis, Lucas, Lyon, Job Mann, Martin, W. Mason, Maury, May, McCarty, McKay, McKennan, McKim, McLene, Mercer, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Patterson, F. Pierce, Pettigrew, Peyton, Phelps, J. Reynolds, Ripley, Robertson, Rogers, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Sloane, Smith, Spangler, Standefer, Storer, Taliaferro, Thomas, John

Thomson, Toucey, Towns, Underwood, Ward, Washington, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams—113.

NAYS—Messrs. Adams, H. Allen, Bailey, Beaumont, Bond-din, Darlington, Grennell, Hiland Hall, Hazeltine, Heister, Lawrence, Lincoln, Love, Milligan, D. J. Pearce, Phillips, Potts, Reed, Russell, Slade—20.

A message was received from the senate informing the house that the senate had appointed a committee on their part, to join such committee as might be appointed by the house, to wait on the president and inform him that the two houses, having finished the legislative business before them, were ready to terminate the present session by an adjournment.

A committee was thereupon appointed on the part of the house—and after some time having elapsed,

Mr. *R. M. Johnson*, from the joint committee appointed to wait on the president, &c. reported that they had discharged that duty, and that the president had no farther communication to make to the house.

When the house adjourned *sine die*.

THE CREEK WAR.

The public feeling a lively interest in the military operations now progressing in the Creek nation, we publish the following general order, issued from the head quarters of major general Scott, which leaves no doubt, we apprehend, that matters have taken a decided course in that quarter before this date.

[*Globe.*

ORDER, NO. 11.

Head quarters, army of the south,
Columbus, Georgia, June 20, 1836.

Major general Sanford will, as fast as he can, arm and equip the troops of his division, put them in march by detachments on this side of the Chattahooche for Roanoke, and a point below, which will be given in time. All the regular troops which have already arrived, and which are daily expected, including the United States marines, will take the same route without delay.

The quartermaster will furnish the necessary land transportation for those several detachments, including three day's subsistence, in wagons. Besides this provision, every man will commence the march with two days' rations in his haversack, and every mounted officer and mounted man will take corn in his wallet sufficient for his horse for two days.

Major general Sanford will as soon as practicable, designate two companies, in addition to the three now in Columbus, to be left for the defence of this city; and he will designate one other company, to proceed to Fort Mitchell, as a part of the garrison of that place. These companies will all be infantry, and not mounted men. They probably will not long be left stationary; but, if practicable, shall have an opportunity of participating in the events of the field. WINFIELD SCOTT.

ORDER, NO. 15.

Head quarters, army of the south,
Columbus, Georgia, June 21, 1836.

Major general Scott has received with great satisfaction, a report of the zeal, gallantry and general good conduct of the Alabama troops, in their march through the enemy's country upon the waters of the Hatchachubbee, under the able command of major general Jessup.

Major general Jessup will march his forces, by the best practicable route, down the country, to a point a little below the enemy, where, in a very few days, he will come into line with the Georgia volunteers and a brigade of regular troops. This brigade is destined to constitute a part of his command.

On the union of the forces mentioned, the whole will move up the country in concert against the enemy, when it is confidently hoped that no feelings other than a generous rivalry will be entertained by the forces of the different states, or between those of a state and the troops of the United States. The whole will be engaged in a common cause, and against a common enemy, whom all must be equally desirous to punish and to crush, for the innumerable atrocities which that enemy has committed. WINFIELD SCOTT.

FLORIDA WAR.

GENERAL ORDER NO. 43.

Head quarters of the army, adjutant general's office,
Washington, June 28th, 1836.

I. The following designated companies of artillery, which constitute the remaining garrisons on the seaboard will immediately be withdrawn, and forthwith proceed to Garey's ferry, on Black creek, in Florida, for active service in the field, and there take post, until otherwise directed by the commanding officer in Florida, or of the troops in that quarter, to wit:

Company A, 3d artillery, at Fort Sullivan.
Company C, 4th artillery, at Fort Hamilton.
Company A, 4th artillery, at Fort Monroe.

Assistant surgeon *Tripler*, will accompany the troops to Florida.

II. The president directs that the several captains and subalterns, now absent from their companies, and not on duty with the army, nor employed in military service *proper*, be ordered to join their respective regiments without delay. Accordingly the following named officers are relieved from detached service, and will forthwith proceed to their proper stations for duty with the troops:

Engineer duty.

Lieutenant J. Allen 1st dragoons.
Lieutenant L. A. B. Walbach, 1st artillery,
Lieutenant H. Loughborough, 2d artillery,
Lieutenant W. R. McKee, 3d artillery,
Lieutenant R. C. Smead, 4th artillery,
Lieutenant F. E. Hunt, 4th artillery,
Lieutenant A. Brush, 4th artillery,
Lieutenant J. B. W. Stockton, 1st infantry,
Lieutenant J. K. Greenough, 1st infantry,
Lieutenant T. Stockton, 5th infantry,
Captain H. Smith, 6th infantry,
Lieutenant A. Cady, 6th infantry,
Lieutenant J. Freeman, 6th infantry,
Lieutenant G. W. Cass, 7th infantry.

Topographical duty.

Lieutenant E. White, 3d artillery,
Lieutenant E. Rose, 3d artillery,
Lieutenant J. E. Johnston, 4th artillery,
Lieutenant J. N. Macomb, 4th artillery,
Lieutenant J. Cooper, 3d infantry,
Lieutenant J. Berrien, 5th infantry,
Lieutenant A. Center, 5th infantry,
Lieutenant T. Drayton, 6th infantry,
Lieutenant R. Dix, 7th infantry,
Lieutenant S. Simmons, 7th infantry,
Lieutenant J. G. Reed, 7th infantry.

Indian duty.

Lieutenant J. P. Simonton, 1st dragoons,
Lieutenant J. W. Harris, 3d artillery,
Lieutenant G. Meade, 3d artillery,
Lieutenant F. L. Jones, 4th artillery,
Lieutenant E. Deas, 4th artillery,
Lieutenant J. J. Kingsbury, 3d infantry,
Lieutenant J. Van Horn, 3d infantry,
Captain J. B. F. Bussel, 5th infantry,
Captain J. Brown, 6th infantry.

Special service.

Brevet major T. Legate, 2d artillery, (lead mines).
Lieut. A. D. Mackay, 1st artillery, (coast survey).
Lieut. R. H. K. Whiteley, 2d artillery, (ordnance).

III. The several officers recently serving with the army in Florida, who have been permitted by the commanders in that quarter to withdraw temporarily from duty there with a view to recruit their health, will now repair to their stations, it is hoped with renewed ability to discharge the duties which may devolve upon them. Accordingly colonel Lindsay, of the 2d artillery, will take post at Fort Brooks, Tampa Bay; lieut. col. Crane, of the same regiment, at Fort Marion, St. Augustine; and lieut. colonel Bankhead, of the 3d artillery, will take post on the St. Johns. If the field officers named be not able to perform active duty in the field, their experience as commandants of posts, and their valuable services as officers in charge of affairs, and the general interests of the service within the reach of their influence and authority, cannot now be dispensed with. Brevet major Mountfort, of the 2d, and captain Lendrum, of the 3d artillery, and all other officers who have recently left the Florida army, will now join their respective regiments.

IV. Major B. K. Pierce, recently promoted to the 1st artillery, will join his regiment in Florida without delay. Lieut. colonel Stanton, quarter master at New York, will forthwith proceed, *via* Charleston, S. C. and Augusta, Geo. to the head quarters of the general commanding army, operating against the Creek Indians, and there take charge of the quartermaster's department; and major Æneas Mackay, assistant quartermaster, at Philadelphia, will repair without delay to New York, and report for orders, to lieut. colonel Stanton.

V. "A due regard to the public interest, and the good of the service, no longer justify the practice of granting long leaves of absence on the acceptance of the resignations of officers of the army. Indulgences ought not to be expected, nor can they be accorded to an officer, when the public interest may be concerned, and his presence, or the preformance of duty be necessary."

The *president* accordingly has been pleased to direct, that,

1. "In time of active service, and the employment of the army in the field, as is now the case in Florida and elsewhere, if the resignation of any officer be accepted, it shall take effect within thirty days from the date of the order of acceptance, and the vacancy be immediately filled by the next officer entitled to promotion, who will forthwith proceed to the station of the officer resigned, and there relieve him in its duties.

2. "All officers now absent on leave, with a view of quitting the army, and whose resignations have been so far accepted as to have been permitted to take effect at some prospective date, are hereby required, at the expiration of three months from the date of the order of acceptance, either to resume their duties as officers of the army, or then vacate their commission. If any officer choose the former, and join his regiment or corps, his resignation may be considered as cancelled. The officers so absent will make their election, and report to the adjutant general accordingly."

VI. In conformity with the 2d paragraph of the foregoing regulations, *leaves of absence*, heretofore granted with a view of retiring from service, for any period exceeding three months, are hereby countermanded; and any officer so absent will immediately report for duty or consider his resignation as taking

effect from this date. The same rule will apply to other officers, now absent under like circumstances of prospective resignation at the expiration of three months, computing the time from the date of the official notification of acceptance.

VII. The practice of commanding officers assuming authority to grant leaves of absence to officers on tendering their resignations, is disapproved, it being contrary to the rules of service. Letters of resignation, hereafter, will be forwarded to the adjutant general, for decision, at the war department.

By order of major general Macomb:

R. JONES, *adjutant general.*

RELIEF OF THE WYTHLACOOCHEE.

OFFICIAL ACCOUNT.

Head quarters of the corps of relief of the Wythlacoochee block-house, on board steamboat Minerva,
St. Marks, 30th May, 1836.

SIR: I have the honor to report that the garrison at Camp McLemore have been rescued and brought off in safety.

The Minerva left this place at 2 o'clock, P. M. on the 22d inst. and about the same hour of the ensuing day, arrived off the mouth of the Wythlacoochee river. On the evening of the 24th, the entire corps, amounting in all, to ninety-eight men, commenced ascending the river in a large barge, which had, at immense labor, been prepared for the expedition, and before one o'clock in the morning, we had the pleasure of receiving on board every inmate of the miserable structure. The distance from the bar at the mouth of the river is upwards of fifteen miles. We returned to the steamboat, two miles, perhaps, without the bar by eight o'clock A. M. and were soon under weigh for the mouth of the Suwannee, whither the boat was now directed to repair with all possible despatch. We had the good fortune not to be fired upon. The enemy was not seen in any force, an individual only having been discovered, perhaps surprised, on the margin of the stream—several fires, apparently those of Indians' encampments, were seen on the south side of the river, near the block-house. The last attack received by the garrison, occurred on the preceding Friday, 18th inst.

On my arrival at Old Town (Suwannee) I was gratified to find that the stockade at that place, had not been abandoned. In order to strengthen the defences on that frontier, I left, subject to the orders of Major Cuthbert, a detachment of twenty-five men under the command of capt. Willis, of the Leon county quota. Fort Dabney was furnished with a large supply of ammunition, and all the subsistence which could be spared from the steamboat, was ordered also to be left at that place.

I have instructed capt. Walker to permit his company to return to their respective homes, and remain until Saturday next, when they will assemble in Monticello, to be mustered out of service. The accompanying communication, from the officers of the brave little band, has been handed me, by captain W. with a request that it may be published—may I desire that your excellency will so direct?

Next to the satisfaction I experience in reporting the relief of the block-house, is the pleasure I enjoy, in speaking of the conduct of the gallant little corps, who achieved the rescue. They merited and were rewarded with success—success which was not the less acceptable, because it was bloodless. I desire to present for the archives of the executive office, a list of the names of the "corps of relief," and of the garrison relieved.

If within the limits of my duty, I would recommend, for the more perfect protection of the remaining settlements on the frontier of this young community, the immediate employment of a steamboat of small burthen and light draft, the tow-boats in use in the tributary streams of our large rivers would answer very well—let her be well manned, one hundred men at the least, and two six pounders, cause her to be well fortified, and the machinery particularly well protected. Let her be directed first to co-operate with the steamer ordered by maj. gen. Scott to ply on the Suwannee river by passing through the numerous bayous, which make out through either bank of that river, near its mouth. When this duty shall have been performed, cause her to ascend in succession, all the streams susceptible of such navigation as far south as circumstances may justify. It is believed to be a peculiarity of the aboriginal nations of America, and particularly of the Seminole tribe, to select as the sites of their own towns and patches, places, contiguous to large bodies of water. The Micosukee town and Suwannee old town, the principal objects of the brilliant campaign of 1818, as far as the savages were concerned, were situated, each, on a large sheet of water, and the hostile portions of the present race of Florida Indians, will be found not to have sought the jungles and hammocks, which skirt the swamps of the peninsula for security alone, but also for the great facility which they thus enjoy, in fishing and bathing. Their new towns and new plantations will be discovered, to be on the banks of the rivers, so near that they must be subject to such operations as I suggest.

Should a boat, prepared, furnished and equipped as I recommend, succeed in passing the rapids on the Wythlacoochee, of which I have very little doubt it would be capable, we should soon have the pleasure of knowing that the now famous cove would be disenchanted of that impregnability, with which it has been invested, more by the prolific imaginings of that brain, which did *not* fancy an Indian squaw in every bush, during the marchings which occurred in the last grand campaign: than by any actual obstacle to a thorough scouring of that supposed retreat of the enemy.

To the south of the Wythlacoochee, and not more than 30 miles from the mouth of that stream, are two other large rivers—one of them the We-wac-ki-a-hacka or Crystal river, the largest perhaps on the gulf, is within 12 miles of Amasurra island, the other, We-ke-wa, lies further to the south. Both are navigable, as I am informed and believe, quite up to their source, being like the Wacissa river from their very heads. To the north of the Wythlacoochee and not far from the Suwannee, lies the Wacassassa, which is likewise susceptible of navigation. The enemy will be found on these rivers, I have almost every reason to believe, not in *parties* "dispersed" by the late operations, but voluntarily formed for the greater facility of engaging in their marauding expeditions, hunting, planting, &c. In any event, by means of these streams, not only any quantity of subsistence, but any number of men also may be conveyed into the heart of the enemy's country. The future operations of this war, to be successful, must, I respectfully submit, be conducted not with the very laudable view of pursuing such small parties of the enemy, as annoyed the army of Florida in its late grand movements, and ascertaining their sex, but their towns must be burnt down, their provisions destroyed, their growing crops cut down, and lastly, their women and children must be sought and captured. In attempting to accomplish the objects above indicated or perhaps either of them, the enemy might be brought to a general engagement, to render the result of which perfectly satisfactory to the supposed present views of the diplomatic agent of the war department, only 1,000 volunteers would be quite adequate—amply sufficient, especially if those volunteers happened to be from that community, to be a commanding general in which is deemed so great a misfortune. I do not hesitate, sir, to declare as my firm conviction, that one thousand men, such as the population of this territory can even now afford, under the command of an active and enterprizing officer, will, if ordered to act in simultaneous and co-operative movement, with expeditions by water, such as recommended, bring this disgraceful war to a close in less than three months, and long before the "THREE THOUSAND GOOD TROOPS," so much desired, can be brought into the field. Should it be ascertained that that force cannot be raised from our oppressed and harassed country, an appeal to the gallant sons of the west, will bring us the means of preventing, in an effectual manner, those incursions, which seem sometimes almost to threaten the existence of the territory. The *fancied* unhealthiness of the climate can no longer be urged against the continuance of active operations against the enemy in summer. Should a campaign be resolved upon—a measure which I would most respectfully, but earnestly urge upon the consideration of your excellency—more can be accomplished at this season, June and July, with less expense of life and treasure, than at any other. It is notorious to all who have observed the operations of our climate, that May, June and July are the most healthy months of the spring, summer and fall. In corroboration of this remark, I have to communicate a fact, not less interesting and gratifying to the humane and benevolent, than it must be valuable in the future operations to the government—*there was not a case* of disease in the block-house, and but one of even slight indisposition, though the miserable edifice had no roof on it, and the men had subsisted, for upwards of twenty days, without meat, without bread and without salt; parched corn and a coarse hominy, made in a worn-out hand-mill, were their only food, the maize had been exposed to the weather for nearly the whole period of their detention. I have said more could be accomplished—the women and children of the enemy can now be found, wherever their plantations are, and further, their crops are now growing and may be destroyed. I gave no particular order in regard to the steamboat. Most respectfully, your obedient servant,

LEIGH READ, M. C.

corps of relief to the Wythlacoochee block-house.

—

30th May, 1836.

To colonel Read and the officers and privates under his command, for the relief of the forces on the Wythlacoochee.

Allow us, in behalf of ourselves and men, to return you our most sincere thanks for your noble gallantry, in relieving us from the very perilous situation in which we were placed a few days since, and where, perhaps, we should have been every man massacred. Gallant benefactors! worthy of your ancestors of '76.

It could not possibly have been for sport or recreation, that you attempted to remove us from the Wythlacoochee, because you well knew that we were completely surrounded by our barbarous enemy, but from a greatness of soul, known only to the good and virtuous. You attempted and succeeded in your perilous enterprise, of entering the Wythlacoochee and rescuing us from our impending fate; or with the determined resolution to perish in the attempt, although discouraged at home by some, who should have been among the first to come to our assistance.

Taken by major McLemore by orders received from general Scott, at head-quarters, to the Wythlacoochee with corn for the use of the army under his command, we were left there; and general Scott, regardless of his promise to relieve us, left the Indian nation, and abandoned us to our fate; where we should, most probably, have met a horrid death, had it not been for your timely assistance.

To his excellency governor Call, we are also under lasting obligations, for the very active part taken by him for us, and

the deep interest expressed by him for our deliverance from the cruel deaths which awaited us, either from savage hands or starvation.

We are also most happy to say that your expedition was performed without the loss of a single man.

Gallant countrymen! words cannot express, nor pen write the deep sense of gratitude which we feel towards you; and we believe your joy was equal, if not even greater than ours, when you found that we were able to answer the welcome watch-word of "ALL'S WELL!"

We know that your feelings, at that time, were unutterable, and known and felt by the brave and generous alone; but virtue is of itself a sufficient reward for all good actions. We are, gentlemen, yours with the greatest respect and esteem.

L. B. WALKER. *capt. C. company A 19th, R. F. M.*
WILLIAM G. POWELL, *lieutenant.*
S. A. T. LAWRENCE, *surgeon.*

BALTIMORE AND OHIO RAIL ROAD.

RESIGNATION OF PHILIP E. THOMAS, ESQ.

Office of the Baltimore and Ohio rail road co. 30th June, 1836.

At a special meeting held this day, the following proceedings were had—JOSEPH W. PATTERSON, esq. was appointed president pro. tem.—when the committee appointed on the 7th inst. to confer with Philip E. Thomas, esq. in regard to his resignation of the presidency of this company, tendered by him to the board on that date, reported verbally, that they had held several interviews with Mr. Thomas on the subject, and that it had continued, against their remonstrances, to be his earnest wish to withdraw from his actual situation—that the board were aware that such had been his desire for a long time past, and that he had only been prevented from taking this step sooner in condescension to the wishes of the board. The committee reluctantly, and with regret, were obliged to add, that in consideration of the impaired condition of Mr. Thomas' health, they believed it indispensable to its restoration, and to his comfort, that he should be relieved from the confinement and labor incident to the discharge of the duties of the office which has been so ably filled by him.

The letter of resignation which is as follows, was then read and considered.

Office of the Baltimore and Ohio rail road co. 7th June, 1836.

To the directors of the Baltimore and Ohio rail road company,

GENTLEMEN: It is known to you that the duties which have devolved upon me as president of this company, have been extremely arduous, and that for several years past, they have necessarily so wholly occupied my time, that I have scarcely had any opportunity to devote the least attention to my private affairs. The circumstances of the company have however, until very recently been such, in the opinion of my friends, as to render my withdrawal from the post in which your confidence and kindness had placed me, incompatible with the interests of the company; and this consideration alone has prevented me from carrying into effect my earnest wish to retire.

The extension of the main line of the road being effected as far as to Harper's Ferry on the Potomac river, at which point it is now connected with the Winchester and Potomac railway; and the lateral road to Washington being also opened, and in successful operation, I feel myself at liberty to withdraw from the situation of president of the company.

On retiring from a position in which I have received so many proofs of your personal friendship, I cannot forbear the expression of my most grateful acknowledgments. When I entered upon the duties of this office, little was known in our country, either as regarded the construction of railways or the application of moving power upon them, and indeed the experience of Europe at that time, offered but feint and very uncertain lights in relation to this system. We had, therefore, of necessity, every thing to learn; and without your constant and cordial co-operation, I am sensible I could not have sustained myself—under the many complicated difficulties which often pressed upon me—an extensive fund of valuable information has now been obtained, a universal confidence is felt in the undertaking, and a firm determination is manifested to carry it forward to its final completion as originally intended. Under these circumstances I feel assured, that with the excellent organization you have adopted in relation to the several departments into which the concerns of the company are divided, its further management will be rendered much less difficult, and that the early completion of the road may be considered as certain. An opportunity will then be afforded of fully testing the usefulness of this undertaking, and whilst important benefits will be secured to our country, and especially to the city of Baltimore, by the facilities, opened through the channel of communication with the west, the stockholders, under a prudent management of their affairs, will receive a fair remuneration for their capital invested. With the assurance of my highest regard and esteem, I am, very respectfully your friend,

P. E. THOMAS.

When on motion of Mr. Hawkins, it was

Resolved, That this board accepts the resignation of P. E. Thomas, of the presidency of this company, with deep and profound regret.

On motion of Mr. Brown, seconded by Mr. McKim, the following resolutions were unanimously adopted, viz:

Resolved, That the most unfeigned and cordial thanks of this board are due to Mr. Thomas for the long, faithful and valuable services rendered by him to this company—services which none but those who have been associated with him in the prosecution of this most arduous work are capable of appreciating, and rendered at an expense of private interests which it is difficult to calculate, but which must be well understood by this community, and of health which has been sacrificed by close and continuous application to the business of this company.

On the commencement of this work, of which he has been in fact, the father and projector, every thing connected with its construction was new, crude and doubtful, with little light to guide the way, and that derived from distant and uncertain sources—now, such has been the increase of information and experience acquired under his auspices and direction, as to ensure the completion and success of the undertaking, if prosecuted with the same zeal, assiduity and integrity, which has ever marked his course.

Resolved further, That this board in taking leave of Mr. Thomas, their president, cannot omit the opportunity of tendering to him their respectful acknowledgments of the uniform, correct, urbane and friendly conduct which has characterised his deportment during the time of their official intercourse, and of expressing to him their best wishes for the speedy restoration of his health, and for his future prosperity.

Resolved, That the president pro. tem. convey to Mr. Thomas a copy of these proceedings under his signature.

True copy from the minutes of the board

J. J. ATKINSON, *secretary.*

THE FORTIFICATION BILL.

When the fortification appropriation bill was up in the senate on Tuesday, Mr. *Clay* made some remarks, of which a report is subjoined—an imperfectly brief sketch having been all that time and room allowed us to give in our last: [*Nat. Int.*

Mr. *Clay* thought there was no inconsistency between the two propositions to amend the bill as proposed by the senator from South Carolina, with the view of reducing the amount proposed for fortifications, and to amend it as proposed by the senator from Delaware, to restrain the issue of money from the public treasury, except as it should be called for in a course of regular disbursement. Both might be well adopted, and he hoped would be.

He had, however, risen more particularly for the purpose of calling the attention of the senate to the enormous and alarming amount of appropriations which had been actually made, or were in progress, during this session. He had procured from the secretary of the senate a statement of such as had been made by bills which had passed one or both houses up to the 27th of last month, when it amounted to about twenty-five millions. Since then, other bills had passed, which swelled it up to thirty-two or three millions; and other bills were now in progress, and would probably pass, carrying it up to forty millions, or beyond that sum. Forty millions of dollars in one year, when we have no debt, and no foreign war! Will not the country be justly alarmed, profoundly astonished, when it hears of these enormous appropriations? Is it possible to proceed with the government on such a scale of expenditure?

Why, sir, it is a greater amount than is appropriated to similar objects by the British parliament, since its reform, in one year. The whole revenue of Great Britain is about forty-two millions sterling, of which sum twenty-eight millions is applied to the public debt, six to the payment of pensions, annuities, &c. and only about eight millions to the current annual expenses of the whole of their vast establishments, military and naval, and the civil government at home and abroad. Now, forty millions of dollars exceed eight millions sterling. Who would have supposed that an administration which came in upon pledges and promises of retrenchment, reform and economy, should in the eighth year of its rule have swelled the expenditure of the government to an amount exceeding that of Great Britain? And this surprise must be increased when we reflect that the British parliament stands to the people of Great Britain in the double relation of the federal and state governments to the people of the United States.

When Mr. Adams left the administration, the current annual expenses of the government, exclusive of the public debt, amounted to about twelve millions. Only a few years ago a secretary of the treasury under the present administration (Mr. McLean) estimated the ordinary expenses of the government at fifteen millions annually. Even during the present session, the able senator from New York, when the land bill was under discussion, placed them, for a series of succeeding years, at eighteen millions. And now we propose, in this year, to more than treble the amount of expenditure during the extravagant administration, as it was charged, of Mr. Adams!

Mr. *Clay* hoped the senate would pause. He called upon the friends of the administration, in no taunting or reproachful spirit, to redeem the pledges and promises with which they came into power. If the love of country; if a faithful discharge of duty to the people; if a just economy, would not animate them, and stay these extravagant appropriations, he hoped the devotion to party would. Could they expect to continue in power (and he candidly confessed that he was not particularly anxious that they should) with such unexampled appropriations? How can they meet their constituents with these bills staring them in the face?

And for what purpose shall they be made? Does any man believe, will any senator rise in his place and say, that these immense appropriations can be prudently, safely and wisely

disbursed? He had, indeed, heard that it was not expected they would be. He had heard, what was too wicked, profligate and monstrous for him to believe, that it was intended to withdraw the appropriations from the public treasury, place them to the credit of disbursing officers, in the custody of local banks, and thus elude the operation of the deposite bill, which has recently passed. That bill had been demanded by the people of this country. It had passed, from a profound sense of duty, in consequence of that demand, by unprecedented majorities in both houses. And he would not allow himself for a moment to believe that a sinister design existed any where to elude the operation of that great and salutary measure. What, sir! is the money of the people of this country to be held in the deposite banks, one of which, according to a statement going the rounds of the papers, has made 14½ per cent. dividend for six months?

The annual average appropriations for fortifications heretofore have been about seven hundred and fifty or eight hundred thousand dollars; and by the bill now before us, and that for a similar object which we have sent to the house, if both pass, we shall have appropriated for fortifications for one year four millions and a half. Is it possible in one year judiciously to expend this enormous sum? When we look at the price of labor, the demands upon it for an increase of the army, for volunteers, and for the general avocations of society, does any body believe that this vast sum can be judiciously laid out? It has been said that, having omitted to make any appropriation last year, we ought this year to appropriate double the ordinary sum. But, if you cannot safely expend it, why should that be done? He was willing to make large and liberal appropriations for the navy and for fortifications; we ought, however, to look to all our great interests, and regulate the appropriations in reference to a survey of the whole country; and he earnestly entreated the senate to fulfil the hopes and expectations which had been recently inspired in the people of this country, by checking and putting itself decidedly against this rash, wild and ruinous extravagance. He would vote for the commitment, to reduce the appropriations one-half; after which there would remain an amount equal to double the ordinary annual appropriations, without including the sum in the bill now before the house.

VOTES IN THE HOUSE OF REPRESENTATIVES.

MONDAY, JUNE 13, 1836.

On ordering the bill to establish the northern boundary line of the state of Ohio, and to provide for the admission of Michigan into the union, to a third reading.

YEAS—Messrs. Chilton Allan, Anthony, Ash, Ashley, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Cushman, Deberry, Denny, Dickerson, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillett, Granger, Grantland, Grayson, Haley, Jos. Hall, Hamer, Hannegan, Samuel S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Heister, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jos. Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, J. W. Jones, Benjamin Jones, Judson, Kilgore, Lane, Lansing, Laporte, Lawler, Lay, G. Lee, J. Lee, L. Lea, Leonard, Logan, Loyall, Lyon, Abija Mann, Martin, Wm. Mason, M. Mason, Maury, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Dutte J. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Ripley, Roane, Rogers, Seymour, Wm. B. Shepard, Aug. H. Shepperd, Sheilds, Shinn, Sickles, Sloane, Spangler, Speight, Standefer, Storer, Sutherland, Taylor, Thomas, John Thomson, Toncey, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, E. Whittlesey, T. F. Whittlesey—153.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bell, Briggs, Wm. B. Calhoun, George Chambers, John Chambers, Childs, Clark, Everett, Graves, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harper, Hazeltine, Hoar, Ingersoll, Jenifer, Lawrence, Lincoln, Love, Sampson Mason, McCarty, McKennan, Mercer, Milligan, Morris, Parker, J. A. Pearce, Phillips, Potts, Reed, Robertson, Russell, Slade, Steele, Taliaferro, Underwood, L. Williams, Sherrod Williams, Wise—45.

On ordering the Arkansas bill to a third reading.

YEAS—Messrs. Chilton Allan, Ash, Ashley, Barton, Beale, Bean, Bell, Bockee, Boon, Bouldin, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Forester, French, Fry, W. K. Fuller, Galbraith, J. Garland, Rice Garland, Gillet, Grantland, Graves, Grayson, Griffin, Haley, Jos. Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, J. Jackson, Jarvis, Joseph Johnson, R. M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, Wm. Mason, Moses Mason, Maury, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, Aug. H. Shepperd, Shields, Sickles, Spangler, Speight, Standefer, Storer, Taliaferro, Taylor, Thomas, John Thomson, Toncey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, T. F. Whittlesey, S. Williams, Wise—147.

NAYS—Messrs. Adams, Heman Allen, Anthony, Bailey, Bond, Borden, Briggs, Wm. B. Calhoun, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Everett, P. C. Fuller, Grennell, Hiland Hall, Hard, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Ingersoll, Wm. Jackson, Janes, Laporte, Lawrence, Lay, Lincoln, Love, S. Mason, McCarty, McKennan, Milligan, Morris, Parker, D. J. Pearce, Phillips, Potts, Reed, Russell, Shinn, Slade, Sloane, Underwood, Vinton, E. Whittlesey, L. Williams—52.

VOTES IN THE SENATE.

The injunction of secrecy having been removed by the senate from the proceedings and votes upon the treaty with the Cherokee Indians, we extract therefrom the following concluding proceedings thereon: [*Nat. Int.*

Wednesday, May 18, 1836. The senate proceeded to the consideration of the resolution for the ratification of the Cherokee treaty.

A motion was made by Mr. *Clay* to strike out all the resolution after the word "resolved," and to insert:

"That the instrument of writing purporting to be a treaty concluded at New Echota, on the 29th day of December, one thousand eight hundred and thirty-five, between the United States and the chiefs, headmen and people of the Cherokee tribe of Indians, and the supplementary articles thereto annexed, were not made and concluded by authority on the part of the Cherokee tribe competent to bind it; and, therefore, without reference to the terms and conditions of the said agreement and supplementary articles, the senate cannot consent to, and advise the ratification thereof as a valid treaty, binding upon the Cherokee tribe or nation.

"*Resolved*, That the senate do advise the president to open a new negotiation with the Cherokees on the east side of the Mississippi, or with persons invested by them with full powers to treat in their behalf, upon the basis of a cession of the whole country of the Cherokees on the east side of the Mississippi, or any part thereof that may be deemed most expedient and practicable."

And the question being stated by the chair, "Shall the words proposed to be stricken out stand part of the resolution?"

The yeas were 29. the nays 15.

Those who voted in the affirmative, are,

Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing, of Ill. Goldsborough, Grundy, Hendricks, Hill, Hubbard, King, of Ala. King, of Geo. Linn, McKean, Moore, Morris, Niles, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, White, Wright.

Those who voted in the negative, are,

Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Leigh, Naudain, Porter, Prentiss, Robbins, Southard, Swift, Tomlinson, Webster.

On the question to agree to the resolution as submitted for the ratification of the treaty,

It was determined in the affirmative—yeas 31, nays 15.

Those who voted in the affirmative, are,

Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing, of Illinois, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King, of Alabama, King, of Georgia, Linn, McKean, Mangum, Moore, Morris, Niles, Preston, Rives, Robinson Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, White, Wright.

Those who voted in the negative, are,

Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Leigh, Naudain, Porter, Prentiss, Robbins, Southard, Swift, Tomlinson, Webster.

ABOLITION.

Legislature of Pennsylvania—the slave question.

The following is the report of the committee on the judiciary system on the subject of abolition societies and incendiary publications—THADDEUS STEVENS, chairman; read in the house, May 30th, 1836.

REPORT.

The committee on the judiciary system, to whom was referred the message of the governor, transmitting resolutions of the legislatures of the states of Virginia, Kentucky and Mississippi, on the subject of abolition societies and "incendiary" publications, made report—

That the resolutions of the legislature of Virginia (with which those of the other states named accord), assert:

1st. "That this commonwealth (Virginia) only has the right to control or interfere with the subject of domestic slavery within its limits; and that this right will be maintained at all hazards."

The committee readily grant that none of the other states or congress, has any right by *legislation*, to interfere with or control domestic slavery within the slaveholding states. That is prohibited by the constitution of the United States. Nor are they aware that any of the states, or citizens thereof, or congress, claim such right. But the committee cannot concede

that individual freemen are, or can be prohibited from discussing the question of slavery, in all its bearings upon the morality, religion and happiness of a people, and the expediency and duty of abolishing it by constitutional means.

2d resolution. "That the state of Virginia has a right to claim prompt and efficient legislation by her co-states to restrain, as far as may be, and to punish those of her citizens who, in defiance of their social duty and that of the constitution, assail her safety and tranquility, by forming associations for the abolition of slavery, printing, publishing and circulating seditious or incendiary publications, designed, calculated, or having a tendency to operate on her population, and that this right, founded as it is on international law, is peculiarly fortified by a just consideration of the intimate and sacred relations which exist between the states of the union."

The 5th resolution asserts—"That congress has no power to abolish slavery in the District of Columbia, or the territories of the United States."

The 6th declares—"That this general assembly would regard any act of congress having for its object the abolition of slavery in the District of Columbia or the territories of the U. States, as affording just cause of alarm to the slaveholding states, and bringing the union into imminent peril."

The committee are compelled, by a sense of duty which they owe to Pennsylvania as a sovereign and independent state, and to themselves as freemen, to deny the right of Virginia, or any other state, to *claim* from us any legislation of the character referred to in these resolutions. Every citizen of the non-slaveholding states has a right freely to think and publish his thoughts on ANY subject of national or state policy. Nor can he be compelled to confine his remarks to such subjects as affect only the state in which he resides.

Without regard to the place of his residence, he may attempt to show that the usury laws of New York or Pennsylvania, or the laws regulating negro slavery in Virginia or Mississippi, are immoral and unjust, and injurious to the prosperity and happiness of the respective states; his arguments may be weak, foolish and false, but it would be tyranny to prohibit their promulgation. Could any other state maintain the right to claim from us such legislation, we and our citizens would be reduced to a vassalage but little less degrading than that of the slaves whose condition we assert the right to discuss. Nor can we yield our assent to the opinion that congress does not possess the right to abolish slavery within the District of Columbia and the territories of the United States. No such prohibition, is to be found in the constitution of the United States. But the unrestricted right to legislate for them is expressly granted.

Possessing such right, it would seem to be a reproach upon our national legislature not to have exercised it heretofore. Slavery not only exists with the District over which congress has exclusive jurisdiction, but it is understood to be an extensive market for the sale of slaves. To witness droves of human beings, bound together with iron fetters, and lashed forward to hopeless servitude, by freemen, descanting loudly and boastfully on the blessings of liberty, is a moral anomaly, which fails to shock only because of its familiarity. The committee forbear to notice those parts of the resolutions which seem to imply a menace, if the non-slaveholding states should not comply with the wishes of the slaveholding states on this subject. As it can hardly be believed that they were intended to bear such construction, the committee report the following resolutions:

Resolved, That the slaveholding states alone have the right to regulate and control domestic slavery within their limits.

Resolved, That congress does possess the constitutional power, and it is expedient to abolish slavery and the slave trade within the District of Columbia.

UNITED STATES MILITARY ACADEMY.

Report of the board of visiters invited by the secretary of war to attend to the general examination of the cadets of the United States military academy.

Hon. *Lewis Cass, secretary of war:*

SIR: The undersigned have, in compliance with your request, attended the annual examination of the cadets at this post, and herewith report the result of their investigation.

Having been instructed by their letter of appointment to "make a full and free investigation in regard to the course of instruction, both military and scientific, to the internal police, discipline and fiscal concerns of the institution," the board of visiters entered upon and have conducted their examinations with the most rigid scrutiny. Every facility for this purpose was afforded by the officers of the institution.

In order, most effectually, to discharge their duty, the board committed the different branches of their investigations to committees of their members, whose separate duty it became to examine into, 1st, the fiscal affairs; 2d, the internal police; 3d, the course of instruction; 4th, religious instruction; and 5th, the military education and discipline of the academy.

These several committees have submitted to the board the result of their respective investigations; and their reports, after having been sanctioned by the entire board, are herewith transmitted to the secretary of war, for his more particular information upon those several subjects.

1st. *The fiscal affairs.* The quartermaster's and paymaster's departments were carefully examined, and satisfactory evidence furnished that the sums appropriated had been properly disbursed with strict regard to the objects intended. The particular appropriations necessary for the year are set forth in the estimate marked A, annexed to the report of the committee, and are recommended by this board.

The board believed it to be their duty to examine also into the fiscal affairs of the cadets, and they are happy to express their full approval of the discipline and regulations upon this subject. Each cadet receives, in pay and rations, $28 per month, and no more. With this sum he is obliged to pay his board and to provide all the furniture to his room—all his books, his clothing and every necessary; the government providing nothing for him but instruction, arms and a room to lodge in. By a very salutary regulation $2 a month are reserved out of each cadet's pay until he leaves the institution. Thus, if he is dismissed, he has the means of returning to his family; if he graduates, the means of providing himself a proper uniform. The wisdom of this provision is apparent from the fact (which this board has satisfactorily ascertained) that the greater part of the cadets are of indigent parentage.* To preserve an entire equality among them in this respect, the regulation which forbids "any cadet to apply for or receive money or any other supply from his parents, or from any person whomsoever, without permission from the secretary of war," is strictly enforced. Rigid economy therefore is required from the cadets to enable them with their pay to meet the necessary demands upon their funds. They are obliged to keep accurate accounts of their expenditures, and if any of their pay remains unexpended for necessaries, they are not permitted to receive it, unless for very special purposes.

They are thus with great care taught lessons of order and economy which become of the utmost value to them in after-life, and which have already so distinguished the graduates of the academy that the experiment of making them the disbursing agents of the government on its public works has been eminently successful. And it is, doubtless, from this cause that they present the excellent example of having disbursed millions of the public funds without a dollar's defalcation.

This is considered by the board of visiters as the legitimate result of the course of education at the academy. And it must be apparent to every one, that the strict morality, high sense of honor, and the lessons of order and economy, which they are taught, render them invaluable agents of the government, and will compensate the nation for the very moderate expenditure which is incurred in their education.

2d. *The internal police.* This comprehended, among other things, an inquiry into the provisions for the comfort and the regulations for the conduct of the cadets while in barracks, pursuing their studies.

This merits the entire approval of the board.

The fare of all the cadets is precisely alike. They eat at a common table. The furniture of their rooms and their conveniences are the same. In the barracks they sleep on the floor, and on the ground when in camp. They go through guard duty in succession; and, in fine, such are the regulations and discipline, that the combination of military duties, with their scientific studies, is well calculated, not only to make them industrious and laborious, but to inure them to the hardships of a soldier's life.

This branch of the inquiry involved an examination into the situation of the public buildings and their fitness for the purposes intended. The accommodation for the cadets, in respect to room, is by no means adequate to their comfort. In rooms of about twelve feet square, three and four, and sometimes a greater number of cadets, are compelled to reside. These rooms are badly constructed. In winter time, some of them are very cold, not having sufficient protection from the wind, and in summer some are uncomfortably warm, from an absence of ventilation. The buildings which the cadets occupy are, in fact, in no respect different from the ordinary barracks of the army, except that they are more uncomfortable and built of more substantial materials. The judicious expenditure of a small sum upon this subject would, in the opinion of the board, be very desirable.

The want of accommodations for the professors and their assistants is still more manifest. The crowded state of their laboratory and philosophical rooms adds much to the labor of the instructors, and consumes much of their time. Besides this, is the hazard to which much valuable property is necessarily exposed. The philosophical apparatus and the library, which are very valuable, are now in the same building with the chemical laboratory, and consequently very much exposed to danger from fires. Nothing but extraordinary care has preserved them until this time, and it certainly would not excite the wonder of the board, if they should learn, at an early day, that they were all consumed. The expenditure of $6,000 would, in the opinion of the board, erect a suitable fire-proof building, and thus guard against the unfortunate destruction of property which could not be replaced for less than $100,000.

3d. *The course of instruction.* By the regulations of the war department, for the government of the academy, two studies are enumerated, (among those which are to be taught to the cadets), which are entirely omitted, viz: mineralogy and geolo-

*Thus in one class (the only one we inquired of, and that selected accidentally), we found that out of 48 cadets, 26 were of parentage who were unable to give them a liberal education; and instances are within the knowledge of some of the members of this board, where individuals from the humblest walks of life have attained the highest honors of the institution.

gy; although among the required and necessary studies, no adequate provision has been made by law for the endowment of a professorship. All the power which the war department has over the matter, is to detail a lieutenant of the army for duty; but as this officer cannot receive any additional compensation for this duty, he has no inducement to qualify himself for teaching. This is the cause why that branch of education has been abandoned, and it cannot probably be resumed without a special provision by law. The importance of these studies in a military point of view is too evident to require from the board any other expression than that of their hope that a reform in this respect will be speedily accomplished.

This, however, is not the only provision which the board have deemed necessary in order to place the different branches of instruction on a proper footing. The very thorough course of instruction pursued at the academy necessarily requires a large number of instructors, seventeen of whom receive no other compensation for their services than the pay of a lieutenant in the line. That pay they would receive if with their regiments; and then they would not be subject to the arduous task now imposed upon them. Consequently, a situation at this academy is rather avoided by the officers of the army than sought after, and when once assumed, is abandoned as soon as circumstances will permit; and the board has ascertained that, during the three years ending on the 1st instant, twenty-six officers have abandoned their situations at the Point, and that one professor and four assistants will leave before the end of the approaching vacation: making a change of thirty-one instructors in little more than three years. This constant change is a serious evil, and the interests of the institution certainly require a remedy.

It cannot excite the surprise of the department that, under existing circumstances, these changes should frequently occur. Whatever may have been the education of an officer, it is no slight task to qualify himself to instruct, and properly to instruct; and it cannot be expected that any one would voluntarily assume their extra labors, when no compensation whatever is allowed for them.

Another difficulty is, that an officer, when he becomes duly qualified as an instructor, finds in civil life far greater inducements; and that class of individuals most useful to government, from their scientific attainments, have frequent offers of three or four times their present compensation to assume the duties of some civil station. Nothing but the strong sense of obligation to the nation for their education, which pervades the graduates of this institution, has prevented a more ready acceptance of these offers; and this board does not hesitate to declare its firm conviction, that if government would allow to these individuals only one-half the remuneration which they can readily obtain in civil life for the same services, the sense of obligation to which we have alluded would retain them in the service of the nation.

The present situation of the professorship of chemistry is a fair illustration of the evils of the present system. This professorship is not endowed, and this study can be taught only by detailing an officer of the army for this purpose. The present teacher receives as his entire compensation $767 per annum, not as much as he would receive if on staff duty at some other post; and although by long study and practice he may well qualify himself to teach, he is liable at any moment to be ordered to other posts; and although some of the assistant professors in other branches receive extra compensation, yet he is not allowed any, although at the head of a department, and performing duties as laborious and responsible as almost any other professor.

The board of visiters feel these evils so strongly, that they beg leave to suggest a representation of them to congress, in the confident belief that there will be no hesitation among the representatives of the nation in providing the necessary remedies.

Notwithstanding all these difficulties, the course of instruction is very perfect. The cadets are taught the *rationale* of their studies, to think for themselves, and to apply their scientific attainments to actual practice. The periodical examinations of the cadets not only test their proficiency in their studies, but guard against the bestowal of the care of government upon improper objects. Any one who is found unwilling to undergo the hardships of his academic life, to submit to the rigid discipline of the institution, or to manifest a suitable proficiency in his studies, is dismissed. This sifting operation, if we may so call it, is productive of admirable results. Those only who are found worthy are permitted to enter the service of the nation. The unworthy are discharged.* The cadets are, in fact, part of our army. They enlist for five years, and, like other branches of the service, are promoted only when their conduct justifies it.

It became a question with this board whether this term of enlistment was long enough, and whether the privilege of resigning at the end of one year after the close of their education had not been so far abused as to deprive the government of such benefits from the services of the graduates as would afford a just compensation for their education.

But an examination produced this result, that of the total number, 841, who had graduated, only 65 had resigned at the end of their term of enlistment.*

4th. *Religious instruction.* In this branch, the education is at present necessarily deficient. The same individual is now obliged to officiate as chaplain of the post and as instructor in rhetoric, moral philosophy and political science. He has only one assistant; and it is physically impossible for those two individuals adequately to discharge all these duties—some of them must be, and necessarily are neglected. The religious instruction of the cadets appears to the board to be a matter of too much importance to be neglected. The best remedy for this evil which suggests itself, would be the separation of the duties of the chaplain and professor. Next to this would be the appointment of a clerical gentleman, as an assistant in the duties both of chaplain and professor; and if neither of these is practicable, then, in the opinion of the board, an officer of the army ought to be detailed as second assistant to the professor. This improvement must commend itself to the favorable attention of the department, by every consideration affecting the permanent welfare of the cadets.

5th. *Military education and discipline.* Upon this subject, the board cannot do better than to refer to the full report made by the committee on that branch of our investigation, and to express their full concurrence in its views.

The board, however, feel themselves called upon to add their conviction of the importance of adhering strictly to the sound principles laid down by the president of the United States, in his letter of the 8th of December, 1835, in relation to cadet Hammond. The restoration of cadets to the academy after their dismissal for incompetency or misconduct, is not only subversive of the necessary discipline of the post, but must result in the application of the bounty of the government to unworthy objects. This board believe it to be within the proper range of their inquiries, to ascertain how far the regulations of, and mode of education at, West Point, conformed to the objects for which the academy was instituted. They supposed the institution was "designed not only as a school in which the youth of the United States are to be instructed in the art of war; but they are in all cases of exigence to serve as an actual defence to the community." This object seems to be kept constantly in view.

The school is strictly military in its character, instructing the young men in the art of war, and fitting them to defend their country.

It is believed to be true as a general rule, that some previous education is necessary to qualify a man to exercise the art of war. (To this, as to every other general rule, there are doubtless brilliant exceptions.) If in those rude days, when every battle was but a series of single combats, and when brute force and physical courage were the only qualifications of a soldier, long and arduous training was an indispensable prerequisite, how much more is it necessary now, when war has become a science, and when the mental more than the physical qualities of man determine the issue of the contest? When this science, unlike all others, shall change its nature, as to be imbibed by intuition, then, and not till then, can a country, extensive as ours is, and almost surrounded by savage and intractable enemies, and in its rapid prosperity coming in collision with the interests of powerful nations, dispense with at least such preparations for war as naturally will flow from the education of a portion of our youth for this special purpose.

This board is free to express its opinion, that this academy is admirably calculated and conducted for the attainment of this end. All its studies and practices are essentially military, involving at once a knowledge of the science, and an habituation to the hardships of the war, so that in case of actual conflict, we have the nucleus of an army; and a satisfactory guaranty against the misfortunes which visited our arms at the commencement of the last war with Great Britain; and in peace we have a well trained band of officers devoted to the service of the country, capable of defending our frontiers, and extending our fortifications—of carrying on our great system of internal improvement—of guarding us against the impositions of foreign empires: but, above all, of developing and calling into action the undiscovered resources of our new states.

These are advantages which we believe do necessarily flow from this institution. They can be attained only by arduous and indefatigable labor on the part of cadets and teachers.—This labor cannot be produced without adequate inducements.

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*The board examined the effect of this practice upon four classes—

One of which begun with	106	members, graduating		45
One of " "	108	"	"	43
One of " "	119	"	"	36
One of " "	111	"	"	56
So that of	444	who entered, only		180

graduated; and the board is informed that 160 of that number are now in the service of the nation.

*This examination further showed that of 220 cadets who had, from the first organization of the academy till 1835, either resigned, declined a commission in the army, or been dropped, 20 left the army one year after their graduation, 45 the second year, 28 the third year, 28 the fourth year, 13 the fifth year, 11 the sixth year, 8 the seventh year, 13 the eighth year, 7 the ninth year, 9 the eleventh year, 4 the twelfth year, 8 the thirteenth year, 4 the fourteenth year, 6 the fifteenth year, 5 the sixteenth year, 5 the seventeenth year, 1 in the eighteenth year, 1 in the nineteenth year, 1 in the twenty-first year and 1 in the twenty-third year. And of the residue of the number of graduates, 403 still remained in the service of the country, 15 had been killed in battle, and 106 had died in the service.

To this end government must provide for the education. Unless it does, the poorer classes will be deprived of the advantages of such instructions, and the richer will discover no motive for undergoing the hardships necessary to its attainment.

These advantages are happily combined in this institution, and with the fostering care of the government, may easily be made to conduce to the permanent welfare of the whole nation.

In conclusion, the board of visiters earnestly recommend this institution to the care and attention of the government. Their examination affords them ample reason to know that the intention of the nation in regard to it is faithfully executed. "The instructors teach, in defiance of obstacles," and the graduates, after a most searching and rigid scrutiny, have evinced a knowledge of their profession, which cannot but be valuable to the country whenever its exigencies shall call it into practice.

West Point, June 18, 1836.

(Signed)

R. C. FOSTER, of Tennessee, president.
LOUIS MARSHALL, Kentucky.
NATHANIEL GREENE, Massachusetts.
JOHN TRAVERS, New Jersey.
ALLAN McDONALD, New York.
JOHN McLEAN, do.
MORGAN L. SMITH, do.
JOHN MUSHAT, North Carolina.
JAMES PEACOCK, Penn. secretary.
J. W. EDMONDS, New York.
DAVID E. TWIGGS, U. States army.
J. HENRY DURMONT, R. Island.
GUSTAVUS F. DAVIS, Connecticut.
JOHN HENDERSON, Pennsylvania.
JAMES KINNEAR, do.
ALFRED JOHNSON, jr. Maine.
ALFRED IVERSON, Georgia.
B. A. BIDLACK, Pennsylvania.
EDWARD HERRICK, do.
GEO. M. KEIM, do.
A. W. CHILDS, Massachusetts.
DAVID J. BAKER, Illinois.
JAMES RYAN, New York.

The undersigned most cordially concurs in the above report, only asking indulgence to express a doubt which he entertains respecting the right of the federal government to establish such an institution as the military academy at West Point.

JOHN D. PHELAN, Alabama.

Letter of the president of the United States in relation to cadet Hammond's restoration to the military academy.

Washington, December 8, 1835.

Cadet Hammond will be restored to the military academy after the 1st day of January next, if he shall then be found competent to enter the class he left.

In directing this restoration, however, I am influenced more by a regard to the remission of punishments, which has recently taken place at the military academy, and which may have induced cadet Hammond to think lightly of the offence he committed, than to any extenuating circumstances in his case. He has been guilty of a serious military offence. A proper subordination is essential in all the departments of the army. As it is the duty, so it should be the pride, of the young gentlemen at the military academy, to obey the laws, regulations, and orders for the government of that institution.

The very improper proceedings which took place, and which led to the conviction of cadet Hammond, are highly censurable. If the cadets experience injuries from any person at the military academy, whether in authority or not, the regulations point out the mode in which redress shall be obtained. This must be pursued; and it will always be found effectual. But if they undertake to decide in their own cases, and tumultuously to seek their own remedy, it is obvious that the discipline of the academy, and the institution itself, would be destroyed. This will never be suffered. In this case, the proceedings were marked with another extraordinary feature. A claim seems to have been interposed, and in fact practically asserted, to carry from the commons certain victuals, which, if not consumed at the table, belonged to the contractor, and the resolutions passed in support of this claim, appear to be as grave as if some unalienated principal of human nature were to be wrested from these young gentlemen. All this is in very bad taste, and what is still worse, it is wrong in itself. I need not point out the error of the pretentions set up by these young gentlemen. I am sure they will perceive it at once in their moments of reflection.

I had hoped that a lenient system of administration would be found sufficient for the government of the military academy. But I have been disappointed, and it is now time to be more rigorous in enforcing its discipline. If the young gentlemen who are sent and educated there by their country, will not demean themselves as they are required to do by the regulations, they must suffer the prescribed punishments. Hereafter, therefore, the sentences of courts martial will, when legal and regular, be confirmed; and the punishment will be remitted only in cases recommended by them, or where the circumstances may appear so very favorable as to justify such a measure.

But the members of the institution must make no calculations on a favorable result. Let them look to their obligations and fulfil them faithfully. Unless they do, they must expect to be visited by adequate punishments.

That those views may be known, the secretary of war will communicate this order to the superintendent of the military academy, who will cause the same to be promulgated there.

(Signed) ANDREW JACKSON.

LIFE AND CHARACTER OF THE PATROON.

You ask me to tell you who the person called "*the Patroon*," in the state of New York, may be, and what is the meaning of this appellation? In my answer I shall reverse the order. The title is a Dutch one, and means the lord of the manor, or a large landholder. Although there are many descendants of the first settlers of this state, who are now in possession of large landed interests, yet the honorable Stephen Van Rensselaer, now of Albany, is the one known by the name of *the Patroon*, by way of pre-eminence. He was born in the city of New York in the fall of 1764, and has, of course, now passed his seventy-first year. He was born to affluence, having come into possession of one of the entailed estates of an original proprietor of the New Netherlands, who held his claims under the states general of Holland, and from Indian grants. He finished his collegiate education at Harvard university, and was highly respected in his class, although he was quite young when he graduated. After leaving college, he read law to qualify himself for a statesman, but without any intention to practice in the profession. He was early engaged in the public business of the state of New York. He was elected, when quite a young man, lieutenant-governor of New York, when the illustrious John Jay was governor. He was then accounted worthy of being a coadjutor of such a man as John Jay. In the deepest hour of confusion, when every patriot had to struggle hard for the blessings of a federal constitution, he was true to his post, and his honesty was never doubted. The most furious of his political opponents will acknowledge that he has been as exalted for his sense of justice as for his active benevolence. In 1812, he was one of those men who supported the war, from a belief, all things considered, that after it had been commenced, we had no alternative but to fight it out. Under governor Tompkins, he accepted the command of the militia on the frontier. He marched at the shortest warning to the defence of the soil, and bearded the enemy in his line, showing his military powers as well as his patriotism and moral courage. He never shunned any danger that was necessary for him to go through. He expended from his resources freely to arm and equip his division, and, with the magnanimity of Washington, thought not of his own emoluments, but of his country's honor and safety.

In the infancy of the great system of internal improvements, he commenced his course for the good of the state; believing that New York was as rich as other countries in its mineral kingdom, he caused a geological survey to be made at his own expense, from the sea coast to the shores of Lake Erie. This act was as useful as munificent. This was a pioneer labor; but little had been done in this way except in search of precious metals and particular objects.

He was one of the leaders in the great work of joining the waters of the lakes with those of the ocean. With Clinton and others he threw all the weight of his character into the scale and deserves his share of glory; and there is enough of it to be divided among many, granting to De Witt Clinton the greatest share.

In the days of the deepest corruption, his moral or political honesty was never doubted. His fiercest opponents in political life were constrained to bear testimony to his being "*the patriotic and the just.*" Aristides never deserved the title more than this New Yorker. In his course as a member of the national legislature, he maintained the same exalted reputation. There is more than one memorable instance of his refusal to sacrifice the slightest principle of justice to sustain a party.

He has as many tenants as some of the German princes, and yet not one of them ever complained of his being a hard master; on the contrary, he has been so easy with them, from father to son, that the lessees feel that they are nearly possessors of the soil in fee simple. If one of his tenants is unfortunate in his circumstances, by sickness or fire, he has only to make his case known to the Patroon, and all is well. It is said, by good judges, that he might fairly realize three times the rent he now receives from his tenants, if he chose. If a nobleman in England, or a prince on the continent, was not to take a third part of the rent that their tenants could bear, would not his name be resounded in every portion of the globe; and the world hail him as "the man of Ross," in a colossus of Rhodes? He has been ever desirous of diffusing knowledge, and has given liberally for that purpose. He founded a school to hold an intermediate place between the common school and the college; it has been some years in successful operation, and is now supported from his own purse.

As an agriculturist, he has been the foremost in the state; sparing no expense or exertions to benefit the farming interests, and is now deeply engaged in the cause.

In the promotion of temperance he has been assiduous and successful, teaching by precept and example, but he never joined those intemperate fanatics who wished to banish the wine cup from the communion table. He never can be made an ultra in any thing. He is a valuable member of the Coloni-

zation society—a philanthropist who would diffuse happiness among all mankind as far as he could, but would not open the flood-gates of evil to push a principle to the extreme. Happy in great wealth, in the proper use of it; in a green old age, and in virtuous children, he still continues the even tenor of his way without any complaint that he has not had higher honor, in political life, or more influence in directing his country's destinies. Such a man may and will enjoy every moment of his existence, thanking heaven that he has lived so long, not regretting that the boundaries of human life are so short. He never sought for that momentary and extravagant gratitude from the suffering poor relieved by his bounty, which is so grateful to many good minds. No, he does better; he strives rather to prevent evils than to cure them. If he seldom hears the noisy huzzas of the multitude which are so facinating to the ambitious, he never fails, wherever he goes, to "read his history in a nation's eyes," for he never expended a cent of his wealth, nor wasted a moment of his precious time, to aid arbitrary power, or to foment party feuds. In social life his friendships have been steady, warm and permanent; and his enmities, notwithstanding his refined feelings and high sense of honor, have always been placable; he could forgive the fiercest bursts of passion, if he could be persuaded there was no violation of principle in them.

Every day finds him alike assiduous in cherishing the good of society; his bounties, his wishes, and his personal exertions, as the rain, the dews and the sun upon vegetation, give a verdure to all around him. Very seldom do we find in the study of man a perfect symmetry of character; excellence and defects are thrown together, and we must, in general, judge of the character by balancing the different properties, but in the one we are now attempting to describe, the virtues are so well commingled, that, like the colors of light in a clear and lovely sky, they form the lustre of the perfect day. If in the diorama of his life there are no mountains of the first magnitude, nor cataracts of stupendous plunge, the whole landscape is one of extended views, abounding in magnificent rivers and lovely brooks, on whose borders are enchanting bowers and classic temples. There is not a tree in the whole landscape that has not brought forth its fruits in due season, and is not now as thrifty as ever. A spurious and transitory fame may arise in a few years, sweep through the land, for evil or for good, and when the historian shall come to examine it with discrimination and impartiality, it will be found to have been only a luminous vapour that arose in the damps and twilight of society; but a fame founded on intelligence, benevolence, corporeal and moral courage, kindly dispositions, refined affections, active duties and sound principles will grow brighter by the lapse of time, and become more firmly fixed in the memory and heart of each succeeding generation.

In person, Mr. Van Rensselaer is tall, spare, majestic and graceful. His countenance is full of intellect and composure, bearing an evidence of his having obtained a mastery over his passions, whatever they may have been. His manners are delicate, refined and gentlemanly, equally removed from aristocratic pride on the one hand, and from office seeking familiarity on the other. Such men are "cedars in the garden of God that cannot be hid," and grow far apart even there.

This hasty notice of Mr. Van Rensselaer was written by one who has no debt of gratitude to pay him, nor personal motives to eulogize him. This character was sketched for a gallery of mental portraits, selected at pleasure from among the good and great of our countrymen, who will form the jewels in the crown of our nation's glory, and which will descend as heirlooms to posterity. If, at times, the writer has dipped his pen in his heart, when its currents flowed faster than they now do, and has left some of his pictures colored as of the Titian school, in this instance he can safely say, that all is subdued and tame, and the "image paler than life." K.

LAW CASE.

Supreme judicial court, Massachusetts.

Dedham, Norfolk county, June 8 and 9—present justice Putnam.

Extraordinary case of cruelty on board of a whaling ship, which resulted in reducing the sufferer to madness. In August, 1832, the plaintiff, John C. Bull, aged 19 years, shipped as "boat steerer" on board of the whaler "Mount Vernon," commanded by captain Edwin Coffin, the defendant. Most of the ship's company, and all the officers with the exception of Bull, belonged to Nantucket, from which port the Mount Vernon sailed. It is surmised that the ill usage to which Bull was subjected on the voyage, originated from the fact that he came from a different section of the state from his shipmates. It was proved that he was sober, enterprising, courageous and competent to discharge the duties of his office, the most honorable and exciting function of which was that of "harpooner," which, when his boat hove alongside of a whale was assigned to another. He often requested the "post of honor and danger," and in one instance, on board of the same boat, did strike a whale, and as well as any could have done, although it was his first attempt. He was extremely mortified at being superseded in his duty, and in his manners exhibited the natural effects of his disappointment.

When the Mount Vernon put into Tombez. Captain Coffin, as is the custom, entertained some brother captains with wine from the ship's stores. Subsequently, on the same day, Bull had some brother boat steerers on board to see him, and he took an unfinished bottle of wine from the captain's room, opposite his own, and treated his company. The testimony inclined to the side; that though it was usual for captains and mates to entertain company on the ship's stores, it was not customary for petty officers to do so. Commodore Downes thought if it was an offence it was but a very trivial one. Bull was, however, dis-rated, sent forward, put to scrubbing decks, ordered to go aloft and deprived of his "lay." This treatment affected his mind; he began to talk wild, and was regarded as sullen. Once he was kept on deck a whole day, and not allowed any watch below. At another time he was kept the whole night at the windlass, while it rained. In the morning, being the 7th of June, he went below, refused to speak or eat, and lay in his berth till it was thought he was dying. The hands were convinced that he was sick, and so informed the captain, who had him removed to the cabin, where he received the necessary attention, but refused to eat for 8 or 9 days, till some soup was forced into his mouth. He began to revive a little, and captain Coffin, suspecting that he was shamming sick, drove him out of the cabin, but would not allow any one to help him take his chest out and drag it forward. The officers, by the captain's orders, continued to treat him as "shamming." He was confined in the fore-hold, and kept on bread and water by Coffin's orders.

In addition to these degrading privations, he was struck in the face, and finally twice seized up by the thumbs and regularly flogged, till the blood flowing from the wounds on his back ran on to the deck. The "cat" used had four tails; at the first flogging, on the 7th of July, he received 25 lashes, and on the second 23—some of them were struck on the small of the back —or loins.* He was once dragged out of his hiding place in the hold, where he had nothing to lie on but a coil of rope, at midnight, and flogged by a mate. He was also flogged by the captain, who declared that he would not only give his officers leave to flog him, but also the foremast hands. These measures entirely failed to restore Bull to his health or senses, and captain Coffin regarding him as incurable, took him on board the Potomac, then on that station, for the purpose of inducing commodore Downes to take him home. Captain Coffin told commodore Downes that he had used him with great severity, and still thought a good flogging would do him good, and when his body was examined on board of the Potomac, the scars on his back were plain and distinct.

As the Potomac was at that time under orders to cruize for several months under the "line," it was deemed unfit for Bull to be exposed to the climate so long, and com. Downes recommended Coffin to send him home in the first whaler that should sail. Capt. Coffin could not readily get an opportunity of doing this, and in the month of August, 1833, set him ashore at Payta, where he was placed in a small grog shanty on the beach. There was no bed or any domestic conveniences in this shanty, nor did it appear that capt. Coffin provided for him in that situation. He was found in this place by the officers of the Potomac, and was conveyed on board in a state of idiocy. By kind treatment his life was kept in him, but not a glimmering of reason was perceptible when he arrived in Boston, in June, 1834. His brother first awakened consciousness in him, by playing a familiar tune to him on the flute; and by degrees he gradually returned to a state of sanity, but accompanied with bodily debility.

A prosecution for damages was commenced in July, 1834, but for upwards of a year much time was necessarily spent in procuring depositions, evidence, &c. Last spring it became necessary to prepare fully for his trial, which has recently taken place, and Bull had for this purpose to hold an interview with his counsel. In this interview, it was requisite to trace minutely the painful history of the facts, and so harrowing were they to the mind of Bull, that he became furiously and irrevocably mad, and was sent to the State Lunatic Asylum at Worcester, where he will probably soon terminate his miserable life.

Three pleas in justification were set up—alleging *mutiny, theft* and *drunkenness*, on the part of Bull. There being no testimony to support these pleas, they were expressly abandoned in the argument in defence. This is spoken of as being very able, and proceeded on the ground that capt. Coffin had mistaken the condition of Bull, and had only adopted the usual mode of reducing a refractory seamen to obedience, and after it became obvious that he was deranged, he had only acted according to the formerly universally received notion that insanity could only be cured by punishment.

After being out some time, the jury came into court, and declared that they could not possibly agree upon any particular measure of damages. One of them said, that one of his fellows was determined to have a mind of his own. Mr. Derby told them that it was essential to his client that a verdict of some kind should be rendered at that time, as another trial could not be had till next spring, before which time Bull would in all probability be dead.

The jury retired again, and after another discussion, came in with a verdict of one thousand dollars damages. The jury were generally in favor of giving from five to six thousand dollars, but one struck out a long time for four or five hundred.

*Contrary to the regulations for army or naval flogging. In Russia the punishment of death is inflicted by the knout. The executioner first lays on a number of stripes on the back, with the knout, and concludes by striking a sudden and peculiar blow with it on the loins, which instantly despatches the condemned.

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 20—VOL. XIV.] BALTIMORE, JULY 16, 1836. [VOL. L. WHOLE No. 1,295

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

☞A circular from the treasury department, having an important bearing upon the currency and purchasers of the public lands, is inserted in page 337.

☞In the present sheet we have published a list of the acts passed at the last session of congress, and a report from the secretary of the treasury, in compliance with a resolution of the senate, showing the amount of appropriations made by those acts. In our next we will publish a statement of the new offices created and the salaries of each, and also a statement of the offices the salaries of which are increased, &c. during the last session, made by the secretary of the senate in pursuance of law. It is our intention, when we have disposed of the mass of current articles pressing upon our attention, to publish some of the most important laws passed at the last session, for general information and future reference.

The president of the United States left Washington on Monday last, on a visit to his residence in Tennessee —from which it is said he will not return until October. He has taken the Virginia route, and is accompanied by his private secretary, major Donelson. The vice president has also left Washington for the north.

THE CREEK WAR. From the official reports of gen. Scott, it will be seen that there is a prospect that the Creek war will be speedily terminated, as the enemy, alarmed at the demonstrations against them, were voluntarily surrendering in large bodies. Among those who gave themselves up, were Neah-Mathla, an aged chief, and about a thousand Creeks, including two hundred warriors. They are described as a miserable collection of human beings, and have been sent from Fort Mitchell, where they were temporarily detained, with other Indians amounting, in all, to about 1,500 souls, to Arkansas. They are to travel the whole distance from Montgomery, Ala. by steamboats; others will be sent off in the same manner, with as much despatch as practicable, until the whole are removed beyond the states A few of the murderers, however, it is intimated, will be punished.

Another account says, general Jesup had taken about 1,200 hostile Indians, and was on his march from Fort Mitchell to Long's plantation—the half way point between Columbus and Tuskeegee.

We also see it stated that Jim Henry, a celebrated Uchee chief, the principal instigator of the late murders, with a body of one hundred and fifty warriors, had been captured by, or given himself up to, Jim Boy, one of the leaders of the friendly Indians. Much importance is attached to this event, as it was the general belief that it would put an end to the war.

Preparations were making for the stages to run through the Creek nation, and it was expected that the channel of communication, south and west of Augusta, would soon be open as formerly. The Cherokees were still quiet. A company of United States troops arrived in New York a few days since, from Eastport, in the Providence steamboat, under the command captain CHILDS; they will proceed immediately to the south. This company (with the exception of a few corporals' guards) were the last U. S. troops stationed on our northern seabord.

FLORIDA. The garrisons were still suffering severely from sickness. Of 240 men at St. Johns', 130 were sick, among them 5 officers out of 10. At the post at Garey's Ferry there were about fifty families from the interior, all sickly, and from two to four dying daily, from chills and measels. Brevet lieut. col. *Julius F. Hielman*, died at Fort Drane on the 27th of June.

There had been a slight skirmish at Newnansville, a few weeks ago, between a detachment of col. Warren's command, and a small party of Indians, in which the latter were routed with the loss of four men. The buildings at Fort King, which had been abandoned, have been burnt by the Indians.

MEXICO AND TEXAS. The present sheet contains several interesting papers in relation to Mexico and Texas, among them an agreement, or treaty, between the president of the "republic of Texas" and Santa Ana, in which the latter stipulates not to take up arms against the republic during its present struggle, &c. But it will be seen by the decree of the provisional president of Mexico, inserted among the "Official Mexican documents," page 336, that the Mexican government is resolved to prosecute the war with vigor, "without paying any regard to the stipulations made or to be made with the enemy by the captive president." As an evidence of its uncompromising spirit it has imprisoned the commissioners who had been despatched by the Texian government to Metamoras to negotiate with the Mexican authorities. The commissioners, after announcing their imprisonment at Metamoras, says that all overtures or propositions made on the part of the Texian government were rejected, that a liberation of the prisoners at Metamoras was positively refused—and in fine, that no measure, in any manner based on Texian independence, would be listened to by the Mexicans. The commissioners also write that there were at Metamoras 4,000 Mexican soldiers, at San Patricio 5,000, and on the Neuces 6,000, with orders to concentrate at the former place. The above intelligence was received at Galveston by express on the 22d June, and in anticipation of an invasion the Texian forces have marched to the frontier to meet the enemy.

The president of Texas has issued the following order, which confirms the accounts of the determined hostility of the Mexicans. This hostility is mingled with a strong feeling of dislike against North Americans generally; and we see it stated, on the authority of a gentleman direct from Mexico, that it was the prevailing opinion there that Santa Ana was defeated by the troops under gen. Gaines!

Executive department, Velasco, June 20.

To J. Brown, com. schooner Invincible:

Sir: We have received information that the Mexicans are returning upon us. It is said an armament is fitting out at Vera Cruz. Our gallant little navy must be on the *alert*. You will sail for this place, where more extended orders and instructions will be furnished you. Your obedient servant, DAVID G. BURNETT, *president*.

We have before us a long report from the new secretary of war, Mirabeau B. Lamar, on the disposal of Santa Ana, which strongly urges his trial as a felon for the murder of col. Fanning's detachment—and his execution on conviction. At the last advices Santa Ana and suite were still in confinement at Columbia, about forty miles from Velasco, on the Brassos river.

The bodies of col. Fanning's command, slaughtered by the orders of Santa Ana, were buried on the 3d of June with military honors. An address was delivered on the occasion by gen. Rusk, who has communicated an account of the proceedings and ceremonies to the Texian government, by which it has been published.

A PRESIDENT AT LAST! On the night of the 1st inst. the board of aldermen and common council, of New York, agreeably to a resolution adopted some days previous, and, after considerable discussion, elected alderman Varian, of the sixteenth ward, president of the board by a vote of 9 to 7—thus terminating one of the most unprofitable contests that has ever been witnessed.

PRESIDENTIAL ELECTION. The democratic convention which assembled at Newport, Rhode Island, on the

22d ultimo, unanimously nominated an electoral ticket friendly to Martin Van Buren and Richard M. Johnson as candidates for president and vice president of the U. States.

The Virginia Harrison convention assembled at Staunton on the 4th inst.—col. James Crawford, a delegate from Augusta and Nicholas, was chosen president. On the 6th the convention adjourned, after having unanimously agreed upon the nomination of gen. William H. Harrison, of Ohio, for president, and John Tyler, of Virginia, for vice president of the United States, and adopted the White ticket of electors, that is, the ticket formed by the whig members of the late legislature of Virginia.

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The post office department. The following circular letter has been addressed to the clerks of the post office department by the postmaster general.

Post office department, 5th July, 1836.

Sir: You are hereby appointed a clerk in the post office department, at a salary of ——.

On presenting yourself with the certificate of a judge, or justice of the peace, that you have taken the usual oaths of office, appropriate duties will be assigned to you.

A late act of congress requires the services of executive officers during ten hours a day from the 1st of April to the 1st of October, and eight hours for the balance of the year. Your constant attendance during those hours will be required, with the exception only of such absences as the calls of nature render indispensable.

No personal claims to office or promotion are recognized in this department. The offices are the property of the people, and the officeholders their hirelings; to be appointed, promoted or discharged, at the discretion of those who, by the constitution and laws, are made the people's agents for such purposes. Each clerk is paid in full for his services by his current salary: and, in relation to any higher or more lucrative station which may become vacant, stands on the same footing as the citizens out of office.

These principles are now stated, that, should you accept this appointment, you may not hereafter entertain any impression that injustice has been done you when they shall be carried into practice. Very respectfully, your obedient servant, Amos Kendall.

—

Military academy. In the last "Register" we published the report of the board of visiters appointed by the secretary of war to attend the general examination of the cadets of the United States military academy at West Point. In pursuance of the regulation for the government of the academy, requiring the names of the most distinguished cadets, not exceeding five in each class to be reported, the board reported the following which will be included in the next Army Register.

Reported at the examination in June, 1836. First class—George L. Welcher, Tenn.; James L. Mason, Tenn.; Danville Leadbetter, Maine; Joseph Anderson, Va.; Montgomery C. Meiggs, Penn.

Second class—Henry W. Benham, Conn.; Edwin E. Morgan, Penn.; John W. Gunnison, N. H.; John Bratt, N. Y.; Wm. W. Chapman, Mass.

Third class—William H. Wright, N. C.; P. G. T. Beauregard, Lou.; Alex. H. Dearborn, N. Y.; Stephen H. Campbell, Vt.; James H. Trapier, S. C.

Fourth class—Isaac I. Stevens, Mass.; Henry J. Biddle, Penn.; Robert O. Butler, Virginia; H. Wager Halleck, N. Y.; Jeremy F. Gilmer, N. C.

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Statistics of New York. The New York Times gleans from Williams' Annual Register the following statistical items:

There are in the state of New York 56 counties, 788 towns and 9 cities. There are published in the state of New York 253 newspapers, besides magazines. The number of daily papers is 27, viz: 15 printed in the city of New York, 1 in Brooklyn, 4 in Albany, 2 in Buffalo, 2 in Rochester, and 3 in Troy. In the city of New York 56 papers are published exclusive of magazines—15 daily, 10 semi-weekly, 2 tri-weekly, 26 weekly—1 semi-monthly, and two monthly. The average circulation of the ten large daily papers, is about 1,700 or 17,000 numbers of sheets issued daily. The state owns 663 miles of canal navigation. The amount of canal money, held on loan by the banks of this state, is $2,356,284 38. The amount on deposite $791,591 75. The total canal debt is $6,322,103 19. The amount of canal funds in hand $3,496,809 72, leaving a balance to be reduced by the receipts of future years of $2,915,203 47. The total capital of rail road companies incorporated, previous to the recent session of the legislature—is $34,405,000. (This capital has been immensely increased at the recent session.) The total value of real and personal estate in all the counties of this state is $530,653,524. The total amount of sales by auctioneers in the city of New York during the year 1835 was $34,311,609 09. The total amount of auction duties paid by auctioneers in New York city in 1835 was $270,996 39. There are 89 banks in the state with a capital of $31,781,461. (This does not include the banks incorporated at the recent session.)

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To mariners. The information below is important to all who may have occasion to visit Tampa Bay:

U. S. ship Concord, off Passage Island, Tampa Bay May 25, 1836.

Sir: I have the honor to inform you that I have planted a beacon on Egemont island to point out the entrance to Tampa Bay. It is a spar 80 feet high, with a barrel on it, painted white and black, and may be seen before the land.

To enter the bay in safety, bring the beacon to bear E. ½ S. by compass, then run for it till you strike 3½ fathoms water, which will take you over the bar, then steer E½ N. until the beacon bears E. by S. and then follow the northern bank, which can always be seen within a cable's length. Run for the beacon, to near a cable's length, and you will have ten fathoms water, the beacon bearing south then run E. by S. to 4½ or 5 fathoms, then E. N. E. 6 miles, and N. E. to 3 fathoms, off Mangrove point, then north to 4 fathoms and N. E. to the anchorage at Cadsden's point. I have the honor to be, with great regard, your obedient servant,

M. P. Mix, *Commander.*

To com. A. J. Dallas, commanding naval force of the U. S. in the W. Indies and Gulf of Mexico, Pensacola.

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The late duel. The parties to the duel, alluded to in the "Register" of the 25th ult. were midshipmen Key and Sherburne. It was stated, in the "*Baltimore Chronicle*," on the authority of an eastern paper, that the survivor, midshipman Sherburne, had been stricken from the rolls of the navy by the president—which statement is contradicted by the father of midshipman S. in the following letter to the editors of the Chronicle:

To the editors of the Baltimore Chronicle—

Gentlemen: Yesterday a notice appeared in the Baltimore Chronicle, (which I regret to observe copied into other papers), stating that the "president had stricken the name of midshipman Sherburne from the rolls of the navy, for having killed midshipman Key in a duel."

On reading the notice I immediately called on the president and stated to him the remark in the Chronicle; he replied, that it was *not true*, and that I had his authority for saying it, and also that no complaint had been made to him on the painful subject. I will also take the liberty to remark, that my son (who is of mature age) was the challenged party, and endeavored, as far as an officer and a gentleman of honor could do, to avoid the painful meeting, which proved so unfortunate to his opponent, and so truly afflicting to his bereaved parents. You will greatly oblige me by stating the above facts in your next paper, and request those who have copied the notice to make the correction, which, in justice to my son, (who is now absent on duty), I hope will not be denied.

I am, gentlemen, with the greatest respect, your obedient servant, JOHN H. SHERBURNE.

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General order, no. 44. *Adjutant general's office, Washington, June* 30, 1836. The following resignations have been accepted by the president, to take effect at the date set opposite their respective names, to wit:

First lieut. S. W. Shaumburgh, 1st drag. 31st July, 1836.

Brevet 2d lieut. R. King, corps engineers 30th Sept. 1836.

Brevet 2d lieut. A. V. Brumby, 1st artillery 30th, June, 1836. By order of maj. gen. Macomb.

ROGER JONES, *adjutant general.*

Orders. July 5. Capt. E. A. Hitchcock, 1st infantry, assigned to recruiting service at New York instead of brevet maj. T. F. Smith, 1st infantry, ordered to St. Louis.

Lieut. F. L. Jones, 4th artillery, ordered to relieve lieut. Pickell, at fort Hamilton, and the latter to join his company.

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WEIGHTS AND MEASURES. The annexed resolution on this subject was adopted by congress before the adjournment:

[No. 7.] Resolution providing for the distribution of weights and measures.

Resolved, &c. That the secretary of the treasury be, and he hereby is, directed to cause a complete set of all the weights and measures adopted as standards, and now either made or in the progress of manufacture, for the use of the several custom houses, and for other purposes, to be delivered to the governor of each state in the union, or such person as he may appoint, for the use of the states respectively, to the end that a uniform standard of weights and measures may be established throughout the United States.

Approved, June 14, 1836.

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THE ATLANTIC AND PACIFIC. From a printed document lately received by us from Bogota, we learn that the congress of New Grenada have granted to Mr. Charles Biddle the exclusive privilege, for fifty years, of carrying goods and passengers in boats propelled by steam or other artificial means on the river Chagres, and to associate persons with him, under the title of the Transportation company of the Atlantic and Pacific oceans.

[The decree reserves the rights granted to baron de Thierry the 29th May, 1835, in a previous act of the congress, authorising the construction of a canal.]

Canoes, pirogues and other undecked vessels, carrying goods and passengers, are excepted from the operation of this decree.

A further exclusive privilege for the same period is granted to Mr. Biddle, for the transportation of goods and passengers by rail way or Macadamized road, from the head of navigation of the Chagres to the city of Panama, reserving to the public a lateral transportation road for horses and mules.

Extensive concessions of land are made to Mr. Biddle in the same decree, in which colonies of natives and foreigners may be settled, and be exempted from certain contributions for twenty years.

All materials necessary to the construction of the boats and roads of the company are to be free of duty, as well as all goods in transit to other places.

The works are to be commenced within two years from the date of the decree, (April, 1836), and to be finished in three years from their commencement.

The rates of transportation are to be fixed by the company, with liberty to change them annually, giving information to the government of the alteration. The troops of the government and public property are to pay half price.

At the end of the fifty years the property of the company reverts to the government.

One of the last provisions of the decree ordains, that if two steamboats at least are not kept in operation, and the communications are not kept constantly in such a state (excepting accidents) as to admit of the transportation between the Atlantic and Pacific being effected in fourteen hours, the exclusive privilege is to be forfeited, and the company to pay a fine to the government of ten thousand dollars. [*Nat. Intel.*

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A late number of the Salt River Journal states that many of the land offices in Illinois had been closed for a time, until the receivers gave the additional security required of them in consequence of the increased amounts coming into their hands. The Journal, in noticing the closing of the office at Palmyra, on this account, says—

"Until the bond of the receiver is executed, no entries can be made in this office. The increase of receipts in the office is scarcely exampled in the United States. Heretofore the sales were stated to be about $90,000 per annum: last year, they were about a million, and since the 1st of April they are stated to be about $300,000. The whole country is agog for land, and almost every man who can procure money is thus investing it. We presume the amount of land taken up in what is known as the upper Mississippi district of Missouri, will exceed that of any other equal portion of country in the U. States. A number of large entries have been made during the last few months in every county from St. Charles to the Des Moines, and the fever appears to be near its height."

The rage for land speculations is not confined to that quarter, for we see it stated that the amount of sales at the land office in Detroit, for the month of June, amounted to the sum of *four hundred and sixty-seven thousand dollars!* [*Balt. American.*

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WARLIKE PREPARATIONS AT BATAVIA. The descent of an armed mob upon the village of Batavia, and the threatened destruction of the land office, as well as the more recent demonstrations of the existence of an organized force in that neighborhood, for the purpose of resisting legal process, has led to vigorous preparations for resistance on the part of the peaceable portion of the population. We learn from the Niagara Democrat, that two block houses have been erected, one in front and the other in the rear of the land office, and furnished with arms from the state arsenal—among them several pieces of artillery—and that the inhabitants generally have enrolled and equipped themselves as a military corps, with a view to repel, upon the shortest notice, any future aggression upon public or private property.

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STEAM PLOUGH. Some experiments were tried on Friday week at Red Moss, near Bolton, in the presence of Mr. Handley, M. P. Lincolnshire, Mr. Ceapman, M. P. for Westmeath, Mr. Smith, of Deanston, and other members interested in agriculture, with a complete and very powerful steam-plough, constructed by Mr. Heathcote, M. P. for Tiverton. About six acres of raw moss were turned up in a few hours, and turned up in a most extraordinary style, sods eighteen inches in breadth and nine inches in thickness being cut from the furrow, and completely reversed in position, the upper surface of the sod being placed exactly where the surface had been before. The possibility of ploughing by steam has thus been established, though, as the employment of the steam-plough, in preference to one drawn by horses, will depend on the comparative cost of the two powers, and on that of the two implements used, and as there are not at present any sufficient data of judging what the difference of the cost will be, it is not possible to say how far steam is likely to be applied to this department of agriculture. The plough of Mr. Heathcote, though a very powerful machine, appears to us to be much too complex and costly for common agricultural purposes, though we have little doubt it might be used not only with effect but advantage, in reclaiming large portions of mossland, such as the bogs of Ireland. Indeed, it is the opinion of Mr. Heathcote himself, that it would not at present answer to employ it in reclaiming a smaller portion of bog than 1,500 or 2,000 acres, though it may probably be cheapened and simplified so as to make it ultimately useful on a smaller scale. [*English paper.*

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APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.

Lewis Cass, to be envoy extraordinary and minister plenipotentiary to France, not to be commissioned until notice has been received here that the government of France has appointed a minister to the United States, who is about to set out for Washington.

Wm. P. Van Rensellaer, of New York, to be secretary of legation to France.

Andrew P. Judson, to be judge of the United States for the district of Connecticut.

Charles K. Gardner, to be auditor of the treasury for the post office department.

Joseph Balestier, to be consul of the United States for the island of Singapore, in the Malayan sea.

Henry L. Ellsworth, of Connecticut, to be commissioner of patents.

Carey A. Harris, to be commissioner of Indian affairs.

Ross Wilkins, of Michigan, to be judge of the U. States for the district of Michigan.

Daniel Goodwin, of Michigan, to be attorney of the United States for said district.

Conrad Ten Eyck, of Michigan, to be marshal of the United States for said district.

The commissions of the three last named officers to issue when the state of Michigan shall be admitted into the union, according to the provisions of the act "to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the union on certain conditions."

Thomas H. Kenan, of Georgia, to be marshal of the United States for the district of Georgia.

Samuel K. King, to be principal clerk on the public lands, under the act for reorganizing the general land office.

Mead Fitzhugh, to be principal clerk of private land claims under said act.

John M. Moore, to be principal, or first clerk of the surveys, under said act.

Hudson M. Garland, to be recorder of the general land office under said act.

Wyllys Silliman, to be solicitor of the general land office under said act.

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Lead mines. It is reduced almost to a certainty that the vein of lead ore recently discovered and now worked in Rossie, St. Lawrence county, extends westwardly through Alexandria, in this county, some 15 or 20 miles from the former place, and that it will prove a great source of wealth to individuals, and of very considerable importance to this country generally. We understand that an examination at or near Plesis, resulted in the discovery of lead and zinc, in such quantities as to warrant the belief that the mine there will be equally productive with that of Rossie, which yields from 75 to 80 per cent. of pure lead. Contracts have been entered into in New York, to deliver in that city, this season, some two hundred tons of ore from the latter mine, and at a price which ensures a fair profit to the proprietor. We hope the attention of mineralogists will be directed this way, as there is every indication that this country will be as much distinguished for its mineral wealth as it is for its unrivalled water power, soil and facilities for commercial purposes. [*Watertown Eagle.*

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Bank law in Rhode Island. The legislature of Rhode Island, at their late session, passed a law regulating banks, and fixing the rate of legal interest. A part of the provisions of the act relate only to banks to be hereafter incorporated. Others, however, apply to existing banks. One of them provides, under the penalty of $1,000, that no president, director or cashier of any bank, after the expiration of thirty days from the passage of the act, shall exercise the duties of such office, unless he shall have sworn faithfully to discharge the duties of said office according to law, and in said capacity to abide by and support the laws regulating the interest of money.

The act further provides that if any bank, or any officer in behalf thereof, shall directly or indirectly take a greater interest or discount, than at the rate of six per cent. per annum, on the discount of any note, bill of exchange or other obligation, the charter of the bank shall be forfeited, and the officer taking such excessive interest shall forfeit the sum of $500 for every offence; with a proviso, however, that on the discount of any obligation for a period less than a year, interest may be taken at the rate of 360 days; and that on the discount of bills of exchange or notes payable at other places than that where the same is discounted, a premium may be charged, not exceeding a quarter per cent. when drawn on places in Rhode Island, Massachusetts, Connecticut or the city of New York; one half per cent. on other places in New York state, or in other states not more remote than the District of Columbia; three-eighths per cent. on Philadelphia, one per cent. on Virginia, &c. Bank commissioners are to be appointed whose duty it will be to visit and examine all the banks. [*Bos. Daily Adv.*

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Maratime. The barque Detroit, capt. Niles, arrived in our harbor yesterday. There is more than ordinary interest attached to this announcement, inasmuch as it is a second instance, wherein the armaments of the ancient enemies of our infant liberties, have been turned, like the sword of the warrior, to the ploughshare of the husbandman; now being made an agent in the peaceful, but stirring commerce of the western lakes. In the memorable action on Lake Erie, which immortalized the gallant Perry and his brave companions, this was the flag ship of the enemy, under the command of commodore Barclay, a brave officer, reared under Nelson, and who lost an arm in the engagement of the Nile; but who had to yield to the superior seamanship and prowess of his warlike opponents. How truly that brilliant affair verified the adage, that "thrice is he armed who hath his quarrel just," our loss being comparatively insignificant.

The Detroit is about 300 tons burthen, is fitted up in good style, for passengers and merchandise, and will, in a few days, take her place in the Eagle line. We have been on board, and have been much gratified by the inspection. She was, as our readers are perhaps aware, sunk in the year 1815, consequently has been 21 years under water. She carried, we believe, 20 guns, and a full complement of men. There are many relics of the engagement preserved on board, particularly a 32 lb. shot in one of the beams on the starboard side, which must have entered from the larboard bow, that being opposed to our guns; the proprietors have also, with admirable taste, refitted the original companion ladder, down which the poor commodore descended, after the loss of his remaining arm. [*Buffalo Com. Adv.*

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Steam *vs.* horses. It would require twelve stage coaches, carrying 15 passengers each, and 1,200 horses, to take 180 passengers 240 miles in twenty-four hours, at the rate of ten miles an hour. One locomotive steam engine will take that number and go two trips in the same time, consequently will do the work of 2,400 horses! Again, it would require thirty mail coaches, (six passengers each), and 3,000 horses to take 180 passengers and mail 240 miles in twenty-four hours, at the rate of ten miles an hour. One locomotive steam engine will take that number, and go two trips in the same time, consequently will do the work of 6,000!

[*Albany Gazette.*

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Breach of promise. A case of some interest, says the Cincinnati Whig, was tried in our court of common pleas a few days ago. It was an action for damages for a breach of marriage promise, brought by Frances Wyatt against Solomon Menkin. The plaintiff is about sixteen years of age and the defendant we suppose about forty-five. She is also sister-in-law to the defendant and resided in his family. The defendant was proved to be worth about 20,000 dollars. The breach of promise being established, the jury brought in a verdict of six thousand dollars damages. A new trial has been made on the ground of excessive damages.

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Polignac and his companions. Alluding to Polignac and his companions in confinement, the unfortunate ministers of Charles the tenth, the Paris correspondent of the Albany Advertiser says:

"They live in perfect harmony, and submit without murmuring to the severe rules of their prison. They have instituted among themselves courses of lectures on various subjects, and opened small worksheps for those who have learned a trade. Your countryman, M. Beaumont, is still amongst them. In Ham, the same resignation is observable, but the inmates being more advanced in years, labor under more infirmities. M. de Peyronnet was almost given over a few days ago, and M. de Chantelauze has been a martyr to acute rheumatism ever since his confinement. M. Sauzet acted as counsel to the latter before the court of peers. It was M. de Chantelauze, who brought him into notice, and made his fortune by selecting him when only a young lawyer of the bar of Lyons, to plead his case in preference to M. Berryer and a number of other Parisian barristers, far supe-

rior to him in talent and oratory. M. de Chantelauze might to-morrow obtain his liberty if he condescended to demand it, but he will not accept of a favor that his co-captives cannot participate in. M. Guernon Ranville, the youngest of the four ministers, devotes himself entirely to study. M. de Polignac is the only one whose energies and health remain unimpaired. He made, to be sure, a trial of the dungeon of Vincennes, under Napoleon, and on that account must be more inured than his colleagues to a prison life. He is exclusively occupied with his family concerns."

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THE RAFT OF RED RIVER. Captain Shreve writes from Red River that he is getting on with the removal of the raft slowly. He finds it a much more difficult task to perform than he had anticipated. "The fact is," says he, "the work is of such a nature as to make it impossible to judge of the amount of labor required to perform any given portion of it until after it is done; but as I progress up, I leave behind a good steamboat navigation. Two old boats have been sunk in the raft, but neither of them fit to navigate, from age and decay, and came up with emigrants. Fifteen boats have been up through the former location of the raft 115 miles, since the 1st of January, and the emigration to the country is immense."

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EXPLORING EXPEDITION. The command of the exploring expedition, says the Army and Navy Chronicle, has been tendered to captain Thomas Ap Catesby Jones, and accepted. We have heard of no other officers named as likely to accompany the expedition. The frigate Macedonian, now repairing at Norfolk, will be the principal vessel. See page 337.

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THE NAVY. The act making appropriations for the naval service in 1836, provides as follows:

For officers and seamen	$2,318,017 16
Constructors, &c. at the navy yard	68,340 00
Provisions	782,263 75
Medical department	41,100 00
Repairs, &c	1,065,000 00
Improvement of navy yard at Portsmouth	67,000 00
Do. at Charlestown	199,575 00
Do. at Brooklyn	84,300 00
Do. at Philadelphia	11,750 00
Do. at Washington	37,500 00
Do. at Gosport	167,000 00
Do. at Pensacola	49,000 00
Wharves, &c. at Pensacola	150,000 00
Powder magazine and enclosure at Pensacola	41,000 00
Ordinance and ordinance stores	64,900 00
Sundries	321,600 00
Contingent expenses	3,000 00
Completing steam vessel at Brooklyn	150,000 00
Do. navy hospitals near N. York and Boston	45,410 00
Do. powder magazines do. do.	19,200 00
Marine corps, including barracks, &c	438,856 19
Arrears on coast survey	1,500 00
Exploring expedition	150,000 00
	$6,276,912 10

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BANKS IN MAINE. An abstract of returns made to the office of the secretary of state by the several incorporated banks in operation in this state, (thirty-six in number), as they existed on the Saturday preceding the first Monday in June, gives the following totals:—

Amount of the capital stocks	$3,935,000 00
bills in circulation	1,788,040 00
net profits on hand	112,903 93
balances due other banks	290,261 66
deposites not bearing interest	834,929 38
bearing interest	409,195 04
Whole amount of liabilities of the banks	$7,370,330 01
Amount of specie on hand	$176,939 37
real estate	109,970 58
bills of other banks	185,166 78
balances due from other banks	318,673 90
debts due except balances from banks	6,579,761 12
Whole amount of resources of the banks	$7,370,511 75
Amount of last semi annual dividends	$153,428 44
reserved profits at time of declaring same	58,144 40
probable expenses 6 months	36,000 00
Whole amount of interest received for 6 months	$247,572 84

Being about 12½ per cent. per annum on the capital stock.

Amount of bills in circulation under five dollars....$266,676 00

[*Age.*

POST OFFICE REVENUE. Nett amount of postage accruing in the year 1835.

States.	*Amount.*	*Seats of government.*	*Amount.*
Maine	$47,929 06	Augusta	$1,857 04
New Hampshire	24,322 78	Concord	1,120 88
Vermont	26,547 24	Montpelier	1,124 91
Massachusetts	174,391 83	Boston	78,658 61
Rhode Island	19,703 63	Providence	11,253 51
Connecticut	54,809 77	Hartford	6,981 70
New York	445,870 49	Albany	17,646 35
New Jersey	29,315 27	Trenton	1,823 82
Pennsylvania	245,197 06	Harrisburgh	12,753 16
Delaware	6,383 61	Dover	390 04
Maryland	85,919 43	Annapolis	2,542 50
Dist. of Columbia	18,113 13	Washington	9,178 98
Virginia	119,258 61	Richmond	20,322 06
North Carolina	40,819 38	Raleigh	3,196 03
South Carolina	66,712 48	Columbia	5,130 01
Georgia	86,178 38	Milledgeville	4,465 43
Kentucky	57,245 25	Lexington	6,750 71
Tennessee	46,838 27	Nashville	6,461 75
Ohio	114,251 93	Columbus	4,292 51
Indiana	24,300 29	Indianapolis	1,313 52
Illinois	20,338 08	Vandalia	636 92
Missouri	20,826 20	Jefferson	740 77
Louisiana	66,012 31	New Orleans	52,312 53
Alabama	57,354 64	Tuscaloosa	3,000 92
Mississippi	32,405 30	Jackson	541 04
Michigan	16,310 75	Detroit	3,487 15
Arkansas	5,240 57	Little Rock	912 48
Florida	9,226 14	Tallahassee	2,065 54
	$1,961,821 88		

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REVOLUTIONARY BATTLES. We believe the following to be a complete list of the principal battles fought during the war of the revolution, with the exception of a few in the southern states. [*Schenectady Democrat.*

Battle of Concord, April 19	1775
Battle of Bunker Hill, June 15	1775
Battle of Old Hampton, Va. where we took five decked vessels, sometime in November	1775
Battle of the Great Bridge, near Norfolk, Va. Dec. 18	1775
Battle of Long Island, August 27	1776
Battle of Fort Washington, November 17	1776
Battle of Fort Lee, November 19	1776
Battle of White Plains, November 30	1776
Battle of Trenton, when 1,000 Hessians were captured, December 26	1776
Battle of Princeton, January 2	1777
Battle of Bennington, August 16	1777
Battle of Brandywine, September 11	1777
Battle of Germantown, October 4	1777
Burgoyne's army taken, near Saratoga, October 17	1777
Battle of the Red Banks, October 22	1777
Battle of Monmouth, June 28	1778
Battle of Stony Point, July 16	1779
Battle of Camden, August 19	1780
Battle of Cowpens, January 17	1781
Battle of Guilford, North Carolina, March 15	1781
Massacre at Groton, Connecticut, September 6	1781
Battle of Eutaw Springs, September 9	1781
Battle of King's Mountain, October 6	1781
Cornwallis and his army taken, October 19	1781

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THE CREEK WAR.

Orders, No. — —. } *Head quarters, 2d army corps, U. S. A. Fort Mitchell, June* 17, 1836.

The major general commanding congratulates the troops under his command upon the success which has attended their operations during the present campaign. Though no brilliant action has been achieved, peace and security have been restored to the country. The major general, in the course of twenty years' service, has commanded every variety of troops, and in every possible situation incident to peace and war; and he can say with truth, and he says it with pride and pleasure, that he has never seen any body of men animated by a more admirable spirit than the volunteers which he commands. Called suddenly from the comforts and endearments of home to the defence of a bleeding frontier, they put off the character of the citizen and assumed that of the soldier, with a promptitude worthy of veterans, and they have submitted to the privations, exposure and fatigue of a rapid and difficult march through a wilderness occupied by a savage foe, under the most trying circumstances, with a cheerfulness, alacrity and gallantry which prove that they left their homes determined to do their duty. They have performed their duty in the best possible manner, and deserve the gratitude of their country. In the name of that country the major general thanks them; and for himself he begs major general Patterson, and all the officers and soldiers of his command, to accept his grateful acknowledgments for the kind and liberal support which they have on all occasions accorded to him.

Major general Patterson will move his command, by easy marches to Long's, where he will encamp and await orders. Subsistence and forage will be drawn from the depot at Tuskeegee. By command of major general Jesup.

R. P. PARROTT, *acting adj. gen.*

Extract from general Scott's official despatch to the war department of 2d July, 1836.

"*Head quarters, army of the south, Fort Mitchell, July* 2, 1836.

"SIR: Since my last letter, I have been down the river to organize the service as low as Irwinton, and to put the disposable force of Georgia, after nearly doubling the guards on the left bank of this river, handsomely in the field. I am now but just emerged from the creeks and swamps to the south and south west. The Georgians moved in two columns, with three small battalions of United States artillery, under majors Pierce, Lomax and Erving. I retained the immediate command of one of those columns, and gave the other to major general Sanford. The two amounted to about 1,200 men. We moved with pack horses, the country being so deluged with rain that no wagon could accompany either column. I shall be back at Roanoke to-night, [by means of a steamboat], where I shall receive general Sanford's report. I saw no recent trail of more than two or three Indians, which were directed towards this place or Tuskeegee, no doubt for the purpose of surrender.

"One hostile warrior only we picked up, who declared he was going in to give himself up.

"The number of hostile warriors now here in confinement is about 480, most of them with their families. The whole number of prisoners at Tuskeegee, the Alabama and friendly Indian camps west of this, major general Jesup is enabled to give me with accuracy. He thinks there might have been yesterday about 350 warriors at those places, besides women and children and the party of Neah-Micho, 150, whom I desired him some days ago to cause to be disarmed. This service will probably be performed to-day.

"I inclose a note from major general Patterson to major general Jesup, which shows that 100 warriors may be added to the foregoing number, including a noted leader, Jim Henry.

"I received yesterday a letter from col. Henderson, who is engaged in erecting a shed, &c. on this side of the river, at the head of summer navigation, for the reception of army supplies from New Orleans. It contains this paragraph—"I am led to believe that the position you directed my command to occupy, has been productive of important results. The day after the expedition of our two companies and part of captain Love's troop, 250 of the hostile Indians, men, women, &c. belonging to Jim Henry's band, surrendered to general Watson without firing a gun.

"It is now thought by the best informed, that there cannot now be in the late Creek country more than from forty to sixty hostile warriors. Some of these have sent word that they will soon be here, and are probably only delayed by the swell in the Euchee creek, which renders it to difficult pass.

"A few minutes after my arrival at Roanoke, fifteen miles above Irwinton, on the 25th ult. two Indian trails, leading to Florida, were reported to me—one three and a half, the other one and a half miles below me, and respectively one and two days old. Not a minute was lost in organizing two detachments of horse to give pursuit. I have a note from col. Beall who commanded one of the detachments, (three companies, and six friendly Indians, with subsistence for four days), from which I am afraid that he halted at Fort Gaines, and hearing that the fugitives were killing the inhabitants of Baker county, contented himself with sending thirty men to their assistance, instead of marching with his whole force, about 175 men. He was instructed specially and minutely, in a letter written with my own hand, never to give up the pursuit till stopped by starvation. I have better hopes of the other detachment, commanded by an excellent partizan, capt. Jerningan. No report is received from him. It was expected, however, that the two trails would unite, and the two detachments become one. I think that no other party has got across the river, and such are now the numbers, (since the Georgians got their arms) and the vigilance displayed on the other side, that it would seem impossible for emigrating parties to escape to Florida.

I believe that there has hardly been a sharp skirmish on this side of the river, whilst there have been many hot rencounters on the Georgia bank. The latter were made by the more desperate of the enemy, and in every instance probably to cover the passage of families endeavoring to emigrate to Florida, or to capture the horses, provisions, &c. necessary to facilitate emigration. Partial successes were obtained by the enemy in several of those affairs; in others they were repulsed; and in all it was seen that to escape with families, packs, &c. would be extremely hazardous. Consequently, the Hitchectees have generally sent in or abandoned their families, and, with a few individuals of other tribes have, finally, by some extraordinary neglect at and below Roanoke, succeeded in getting over the Chattahoochee.

"The general surrender, in most cases voluntary, of the enemy, may be attributed to many movements and arrangements on our part. It was known that large forces were gathering all around the country; the river was early pretty well guarded by the Georgians, aided by two well manned steamers cruising up and down. One of these destroyed many canoes, rafts, &c. Major general Sanford crossed the bridge at Columbus, and took up his camp four miles further, early in June; and although he had about 2,000 unarmed men, with about 400 armed, the enemy thought all Georgia was pouring into their country. About the same time major general Jesup made his entry into the heart of the nation, with a large force of Alabamians and friendly Indians. The latter movement precipitated and favored a general surrender.

"I shall necessarily be absent from this place, after a few minutes, to complete arrangements below, for two days. As it is the centre of correspondence and business, I shall return at the end of that time.

"Brigadier general Moore of this state, whose basis of operations has been Irwinton, is placed by my order below the south branch of the Cow-aggee, extending himself far to the right and left. I shall instruct him to send a company of horse or two as far to the south west as Pea river. He appears, from his movements and correspondence, to be an officer of much merit. His force, mostly mounted, consists of about 1,300.

"I shall direct major general Sanford to keep out small detachments on the branches of the Cow-aggee and on the Hatchee Chubbee, to precipitate the surrender of the small parties of the enemy yet out. General Jesup will take measures of a similar character on the upper parts of those streams which are nearer to his depots at Tuskeegee, &c.

"I have twice written to the governor of Florida in great detail. The copy of my last letter is herewith inclosed, and I would send a copy of the other, but that I am separated from my books and papers.

"A copy of an order is inclosed respecting the West Tennesseans.

"I have directed major general Jesup to post two small battalions of artillery (here) in positions on the post road from Columbus to Tuskeegee. This will be done in a few days, and I have caused the agent of the general post office to be advised of the directions.

"On my return to this place, I shall open a correspondence with brigadier general Wool, and hope soon to be able to spare him the detachment of United States marines, and some companies of Georgia and Alabama volunteers, should they be needed in the Cherokee country. I have the honor to be, &c.

(Signed) WINFIELD SCOTT.

Brigadier general Jones, adjutant general of U. S. A.

Head quarters, army of the south, Fort Mitchell, July 4, 1836.

SIR: I have this moment returned here from Roanoke below, where I think I have so arranged the service with major general Sanford of the Georgia line, and brigadier general Moore, at the head of an Alabama brigade, as to secure the remaining objects to be accomplished in those directions in this war.

No official report had been received up to the time of my leaving Roanoke, from colonel Beall and capt. Jerningan, who commanded the two detachments of horse sent by me on the 25th ultimo in pursuit of the parties of Indians who had crossed the Chattahoochee on the 23d and 24th. I know, however, through respectable channels, that the two detachments had overtaken the Indians about the 28th in Baker county, and had surrounded them in a large swamp. The fugitives probably do not exceed sixty warriors, although represented by rumor to amount to more than three hundred. Colonel Beall, I again hope, will give a good account of them. He was collecting the forces of the neighborhood to make sure of his game. By a singular mistake into which I was led by a letter supposed to be from this officer, but which was written by another, I did him great injustice in my last report of events in this quarter. I hope soon to be able officially to speak of him with all the praise due to success.

Parties will be continually kept scouring the Indian country to force in the handfuls of the enemy remaining out. Major generals Jesup and Sanford, as well as brigadier general Moore, have my instructions to that effect. The former, after a detention here of ten or twelve days, proceeded last evening to the head quarters of major general Patterson, to the west. Yesterday a party of United States marines, a few mounted volunteers and friendly Indians, scoured the country between the Euchee and Hatchee Chubbee thoroughly, and to the extent of about twelve miles up those creeks. Coming up last night in a steamboat, I learned from colonel Henderson, at his camp, that sixteen women, boys and children were captured on the Chattahoochee—the warriors of the same party having escaped across the river, abandoning their families. I immediately sent off an express to give the intelligence to all the posts as low as Roanoke, with precise instructions for discovering the trail and pursuing. I do not doubt that two or three companies of horse were in motion by day-light this morning in pursuit of the fugitives.

I have not time to add more, nor have I any thing material to add, except that the armed steamer, the American, from Pensacola, is above, and that I shall immediately order her to Florida to report to governor Call, and to-morrow I shall send off col. Broom, (a volunteer), of the marine corps, with a communication addressed to brigadier general Wool. With high respect I remain your obedient servant.

WINFIELD SCOTT.

To brig. gen. Jones, adjutant gen. U. S. army.

FLORIDA.

The following explanation of some of the peculiar terms which have been used in reference to the Florida affairs, will be found useful to our readers. They are extracted from a letter to the editor of the Northampton Courier:

"The *hammock* is an oasis in the desert. After travelling over many a tedious mile of sterile sand, covered with a thin growth of the gloomy fir, not a sound to be heard in the dreary wilds save that which you yourself may cause, you perceive in the distance an Emerald Isle with all the delight of a sea worn

mariner, who after a long voyage hears the first cry of the thrilling land ho! As you approach this land of promise, you see spread before you one of the most imposing and at the same time beautiful scenes in nature. A luxuriant soil extending perhaps for many miles, covered with every variety of the laurel and other evergreen trees and shrubs, and in the midst, towering above them all, the stately magnolia grandiflora, the surrounding atmosphere redolent with its delicious flowers, combined with those of the orange, lemon, and endless others: to those add one hundred and twenty varieties of deciduous forest trees; flowers and plants without number, many that have lived and died for ages past unknown, and you will have, after all, but a very faint description of the magnificent vegetation of the hammock in East Florida. How can I adequately describe the effect of the many beautiful little rills which, springing from the feet of these giants of the forests, traverse these favored spots in every direction, and finally lose themselves in the adjacent pine forest. The deposit at the bottom of these is generally a perfectly white sand, and the water as pure and limpid as a crystal.

The *everglades* you inquire about, are immense untenanted tracts stretching north and south from Lake George to very near the southern extremity of the peninsula, sometimes extending, sometimes contracting in breadth from east to west, till it assumes its greatest dimensions between 27 deg. and 25 deg. 30 min. In this immense body of waste, composed principally of morass, and covering *probably* (for every thing is rather hypothetical that relates to this terra incognita) from 4 to 5,000 square miles, lies Lake Mayaca, and here also is the source of the noble river Charlotte. These vast and inaccessible morasses have always and will afford a safe asylum to fugitive Indians, so long as they inhabit the peninsula, and they can there, it is said, subsist secure from intrusion, upon such game and fish as these wilds produce. It becomes therefore the policy of the commanders of our army to cut them off from this favorite retreat, and this they no doubt will endeavor, as a primary object, to effect."

FROM THE NORTH WESTERN FRONTIER.

St. Louis, June 25.

We understand that the protection of this exposed line, extending from the Santa Fe trace, (south of the Missouri river), to the northern lakes, has been confided to brigadier general Atkinson. Four companies of dragoons, comprising the garrison of Fort Leavenworth, three companies of the same regiment at Fort Des Monies, the first regiment of infantry, forming the garrisons of Forts Crawford and Snelling, and the garrisons of Forts Winnebago, Howard, Dearborn, Brady, Mackinaw and Gratiot, have been placed by the government at his disposal, to suppress any hostile movements on the part of our border Indians. We have already stated that some dissatisfaction has been manifested by the Menominees and Winnebagoes on the Wisconsin and Fox rivers, and by the Kickapoos on the Missouri. To arrest this hostile disposition, general Atkinson has ordered a detatchment of dragoons, under captain Sumner, from Fort Des Moines, to that part of the frontier occupied by the first named tribes. Colonel Taylor has strengthened Fort Winnebago with three companies of infantry from Fort Crawford, to guard against the occurrence of open hostilities. The garrisons of Forts Mackinaw and Gratiot have been ordered by general Atkinson to Fort Howard, (Green Bay), to report to general Brooke; and two or three companies from Fort Snelling to Fort Crawford, to report to colonel Taylor. With this additional force and the vigilance of colonel Taylor at Fort Crawford, major Green at Fort Winnebago and general Brooke at Fort Howard, it is believed the line from the Mississippi to Lake Michigan can be protected.

The line from Mississippi to Fort Leavenworth is now guarded by only seven companies of dragoons, under the orders of colonel Kearney, an officer of great vigilance and enterprise. But we are glad to learn that the president has requested governor Dunkin to raise one thousand volunteers, under the act of congress recently passed which authorises the president to accept of the services of ten thousand volunteers, in case of Indian hostility. The governor will, no doubt, take immediate measures to comply with this requisition, and to organize the men so as to be ready in any emergency; and brigadier general Atkinson has been authorised to call upon the governor for all, or such part of the volunteers as he may think necessary to quell any disturbances that may arise among our border Indians. [*Republican.*

TEXAS.

From the Mobile Commercial Register, June 27.

Mr. Lamar, the new secretary of war in the Texas republic, has made a formal report to the cabinet on the subject of the proper disposal of Santa Ana. The secretary recommends, and argues at length in support of his recommendation, that Santa Ana shall be tried as a felon, for the murder of Fanning's detachment, and, on conviction, be executed. The date of this communication is not before us, nor have we that of the agreement between the Texas authorities and the captive despot. We cannot, therefore, judge how far they modify each other, or whether, in fact, the agreement is actually signed. If so, the views of the secretary are too late.

The bodies of those who were thus massacred in cold blood, were buried on the 2d instant by the Texians, with military honors. An address was delivered on the occasion by general Rusk.

The accounts we receive from Mexico continue to represent the public feeling against the Texians to be growing more determined in its hostility. The local parties, from whose dissensions a strong diversion was expected favorable to Texas, unite in professing a determination to reconquer that country. The fate of Santa Ana is deplored by his political opponents as a national humiliation, and by his friends with deeper resentment. But the declaration of independence has deprived the Texians of any party support. Their first declaration in favor of the federation, and against the central system, was in accordance with the views of a large party opposed to Santa Ana. The restoration of the federal system will probably be attempted immediately; but the new position occupied by the Texians brings upon them equally the hostility of both parties. It seems to us, also, that the contest is looked upon among the Mexicans as a war against the North Americans, whom they hold in general dislike. Intelligent persons, direct from Mexico, tell us that, among even the best informed natives, the opinion is prevalent that it was the forces of gen. Gaines that defeated and captured Santa Ana. This affords a key to the temper with which the success of Texas is regarded. We do not doubt that strong efforts will be made to throw a very large force, as soon as possible upon Texas; and we see less reason than formerly to doubt of the reality of the danger.

A PROCLAMATION.

By the president of the republic of Texas.

Whereas, it is represented to me that there are many persons now in the United States of America calling themselves the agents of the government of Texas, and professing to have powers which have never been conceded, and as many frauds have been practised by such persons upon individuals who have been disposed to contribute for the support of our cause: and as some agents may have been appointed by this, or the late provincial government, whose powers are not sufficiently defined—

Now, therefore, be it known that I, David G. Burnett, president of the republic of Texas, by and with the advice and consent of my cabinet, do, by this public act, disclose and make known that the only agents for Texas, in the United States, are Thomas Toby and Samuel Toby, of New Orleans, of the firm Thomas Toby and brother, and that no other person is from this time authorised to act for, or bind this government, or to receive any thing for the benefit of Texas, by way of donation or otherwise except them or their sub-agents. And that all agencies or powers heretofore conferred upon any other persons, authorising them to contract for or borrow money, or to raise funds for the benefit of Texas, are, by this public act, solemnly declared to be revoked, null and void, except the agency of Robert Triplett, whose resignation takes effect from the first day of July next.

Done at Velasco this 10th day of June, 1836.

DAVID G. BURNETT.

Wm. A. Jack, secretary of state.

[*New Orleans Bulletin.*

Proclamation of Don Jose Urrea, brigadier general and commander-in-chief of the division of reserve in the army of operations against Texas, to the troops under his command.

Companions! The last campaign which you have made in defence of the most sacred rights of the Mexican nation has shown to it, and to the whole world, that you know how to perform your duty with bravery and skill.

From the colony of San Patricio to Brazoria, you have conquered the whole country, disputing the ground inch by inch, with an enemy as much superior to you in numbers as in the advantage of his fortifications, in preparations and the knowledge of the country, of which you are ignorant. You have overcome all these difficulties with heroism, and the territory of Texas would have been swept of those bold adventurers, who have dared to provoke the national courage, if a misfortune, not uncommon in the hazards of war, had not attended these results which were nearly accomplished, into a dreadful disgrace for us all. Although the troops which I have the honor to command had no part in that event, nor in the consequences which followed it, they have been obliged to follow the movements of the army in the retreat they have undertaken, solely for the sake of subordination, and that implicit obedience which military duty requires.

It is to no purpose that the Texian rebels occupy for the moment the country of your conquests, the whole nation calls out unanimously for the continuation of the war and the supreme government supports it, and will prosecute it vigorously, until the department of Texas is totally reduced.

You yourselves also wish it—your constant conversations and your countenances during our retreat, have proved to me what pleasure you will have received at this order, which will be for all true Mexicans the best guarantee for the new triumphs you are going to achieve!

Valiant soldiers! I know that nothing will stop you, as I have seen your sufferings and determination. The campaign will certainly be filled with difficulties; however, as a recompense, you may count with satisfaction, that the glory of finishing it will be greater by the destruction of an enemy whom you have already conquered whenever you have met them!

You may then return to the arms of your families and friends, having removed from your hearts that pain and oppression which agonize you now, and which the pride, which has always been the character of the Mexican soldiers, now makes you feel so acutely.

Soldiers! we will march the moment the supreme government gives us the order, and we will bring with us, on our return, our worthy and beloved chief, after having revenged the misfortune he has suffered.

These are my intentions, and I promise you that you will always, as heretofore, find me at your head, in whatever quarter danger may threaten you! JOSE URREA.

Matamoras, 6th June, 1836.

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Agreement between Santa Ana and the Texian government.

"Articles of an agreement entered into between his excellency David C. Burnet, president of the republic of Texas of the one part, and his excellency general Santa Ana, president-general-in-chief of the Mexican army, of the other part:

"Article 1st. General Antonio Lopez de Santa Ana agrees that he will not take up arms, nor will he exercise his influence to cause them to be taken up against the people of Texas, during the present war of independence.

"Article 2d. All hostilities between the Mexican and Texian troops will cease immediately, both by land and water.

"Article 3d. The Mexican troops will evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte.

"Article 4th. The Mexican army in its retreat shall not take the property of any person without his consent and just indemnification, using only such articles as may be necessary for its subsistence, in cases when the owner may not be present, and remitting to the commander of the army of Texas, or to the commissioners to be appointed for the adjustment of such matters, an account of the value of the property consumed, the place where taken, and the name of the owner, if it can be ascertained.

"Article 5th. That all private property, including cattle, horses, negro slaves or indentured persons of whatever denomination, that may have been captured by any portion of the Mexican army, or may have taken refuge in the said army, since the commencement of the late invasion, shall be restored to the commander of the Texian army, or to such other persons as may be appointed by the government of Texas to receive them.

"Article 6th. The troops of both armies will refrain from coming into contact with each other, and to this end the commander of the army of Texas will be careful not to approach within a shorter distance than five leagues.

"Article 7th. The Mexican army shall not make any other delay on its march than that which is necessary to take up their hospitals, baggage, &c. and to cross the rivers; any delay not necessary to these purposes to be considered an infraction of this agreement.

"Article 8th. By an express to be immediately despatched, this agreement shall be sent to gen. Vincente Filisola, and to general T. J. Rusk, commander of the Texian army, in order that they may be apprised of its stipulation—and to this end they will exchange engagements to comply with the same.

"Article 9th. That all Texian prisoners now in the possession of the Mexican army or its authorities be forthwith released and furnished with free passports to return to their homes, in consideration of which a corresponding number of Mexican prisoners, rank and file, now in possession of the goverment of Texas, shall be immediately released. The remainder of the Mexican prisoners that continue in possession of the government of Texas to be treated with due humanity; any extraordinary comforts that may be furnished them, to be at the charge of the government of Mexico.

"Article 10th. General Antonio Lopez de Santa Ana will be sent to Vera Cruz as soon as it shall be deemed proper.

"The contracting parties sign this instrument for the abovementioned purposes, in duplicate at the port of Velasco, this 14th day of May, 1836,

DAVID G. BURNET, *president.*
JAS. COLLINSWORTH, *secretary of state.*
ANTONIO LOPEZ DE SANTA ANA.
B. HARDIMAN, *secretary of the treasury.*
P. W. GRAYSON, *attorney general.*

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The New York Journal of Commerce has received a copy of the documents transmitted by the president of the U. States to the senate, in compliance with a resolution of that body, requesting him to communicate such papers in his possession relating to the political condition of Texas, as he could, in his judgment, without prejudice to the public interests. They make a pamphlet of 23 pages large 8vo. but (the editors say) add nothing to the information already before the public.

Among them is the declaration of Texian independence, the constitution of the republic of Texas, and the declaration of rights. Also the official account of the battle of San Jacinto, (in which Santa Ana was captured), and the commission from president Burnett, appointing George C. Childress and Robert Hamilton, esqrs. special agents, "with plenary powers to open a negociation with the cabinet at Washington, touching the political rights of this republic (Texas): inviting, on the part of that cabinet, a recognition of the sovereignty and *independence* of Texas, and the establishment of such relations between the two governments as may comport with the mutual interest, the common origin, and kindred ties of their constituents."

In connection with this commission is published, under date of May 21st, a note from the special agents to Mr. Forsyth, secretary of state, soliciting a personal interview with him in their official character. Of course there is nothing published from which we can learn the nature of the interview, or its results: but we know from other sources, that it did not eventuate in the accomplishment of the object of their mission—the recognition of Texian independence. In communicating to the secretary of state, under date of June 10th, the particulars of the battle of San Jacinto, they appear to have entertained a strong hope of an immediate recognition; for they speak of the documents describing that memorable engagement, as "affording indubitable proofs that the government they have the honor to represent, is *de facto* the government of Texas—feeling assured that the government of the U. States, is satisfied of that fact, will adopt such a course of action in relation to the matter as it may deem due to the republic of Texas, and accordant with those principles both of strict neutrality and *impartial justice*, which have ever characterised its intercourse with foreign nations, and greatly contributed to its elevated character both at home and abroad." Although many members of congress were in favor of an immediate recognition, and many more were in feeling strongly inclined in the same direction, yet the judgment of the majority was, that the time had not yet come for such a step, and so the affair was passed over. The recognition cannot now take place till the next meeting of congress. In the mean time there are various indications that Texas will have to pass through another ordeal. That it may result, like the former, in the success of her arms, and that it may secure the establishment of her independence, must, we think, be the wish of every American.

MEXICAN OFFICIALS.

The National Intelligencer, in publishing the following correspondence, translated for that paper, says—It will be remarked that Filasola asserts that Santa Ana had only 860 men with him. Gen. Castrillon, it appears, was not killed, as former accounts have stated. But the most important fact in the Mexican officials is, the decree of the congress, whereby all Santa Ana's acts, while a prisoner, are declared null and void. It seems that the nearest friends of the captive president—those whom he had left to administer the government during his absence—have adroitly taken the lead in directing the national energies, and left his personal fate to be decided by events. This, we think, was not expected. It was rather supposed that a revolution would take place; or, at any rate a violent struggle of parties for ascendency in the government, under favor of which the Texians might have had time to consolidate their independence.

Under the present state of things, it appears that the Texians will yet have to encounter all the energy which it is in the power of the republic of Mexico to exert for the recovery of the ground she has lost.

[CIRCULAR.]

Department of the army and navy.

His excellency the provisional president of the Mexican republic has been pleased to forward to me the following decree:

DECREE.

The provisional president of the Mexican republic to the citizens.

Be it known, that the general congress has decreed as follows:

ARTICLE 1. The government will appeal to the patriotism of the Mexican people, and will exert all the means in its power to carry on the war in Texas, until the national honor is vindicated, the interests of the republic secured, and the liberty of the president general restored.

2. The successful co-operation of any native citizen or foreigner, in restoring to liberty the said president general, will be esteemed a distinguished service by the congress, with the intention of rewarding it in an honorable manner.

3. The government will carry into effect the provisions of the first article, without paying any attention to any stipulations made, or to be made, with the enemy, by the captive president, all of which are declared and are to be considered as null and void.

[There are a few other articles respecting the manner of apportioning the raising of new troops.]

ANTONIO MONTOZA, *president of the congress.*
JOSE R. MALO, *secretary.*
RAFAEL DE MONTALVO, *secretary.*

Let this decree be printed, published and circulated.

JOSE JUSTO CORRO, *provisional president.*
JOSE MARIA TORNEL, *secretary of the army and navy.*
Palace of the national government, Mexico, May 20, 1836.

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[CIRCULAR.]

The provisional president of the Mexican republic to the citizens.

Be it known, with a view to manifest the just feeling of the nation and the army, excited by the captivity of that eminent friend of his country, Don Antonio Lopez de Santa Ana, the following regulations are to be observed:

1. In the daily orders of the army, in all garrisons and military bodies, the following words are to be inserted:

"On the 21st of April, 1836, Don Antonio Lopez de Santa Ana, president general of the republic, was made prisoner, fighting to preserve the integrity of the national territory."

2. During the captivity of his excellency the president of the republic, a band of black crape shall be attached to the colors and standards of the troops of the Mexican army.

3. The national flag shall be lowered half-mast until the president general is restored to liberty.

JOSE JUSTO CORRO, *provisional president.*
JOSE MARIA TORREL, *secretary.*

Mexico, palace of the national government, May 20, 1836.

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Despatch of Filasola to the general government.

His excellency the president, general-in-chief of this army, left Holdfort on the Brassos the 15th of this month, to operate on the enemy, taking with him 700 men and one six-pounder, and leaving at Holdfort, on the right bank of the river, the remainder of the troops commanded by his excellency in person. I reached that station on the 16th, when general Ramirez y Sesma delivered up the command to me, and I remained there in camp according to the orders his excellency left for me on the march. His men were defeated on the 21st, a little beyond Harrisburg. I have, in consequence, reunited under my immediate command all the divisions of the army, including the troops under generals Gaona y Urrea. Being now without any base of operations, his excellency not having communicated any to me, I am going to establish myself on the Colorado, where I can receive reinforcements, and reorganize the army for the recommencement of military operations, &c.

VICENTE FILASOLA.

Plantation of Madame Pauli, five leagues from the river Brassos, April 25, 1836.

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To his excellency the secretary of the army and navy:

I have this day received the official and private communication from his excellency the president Don Antonio Lopez de Santa Ana, which I inclose to your excellency, and have sent him an answer, of which the following is a copy.

MOST EXCELLENT SIR: As soon as I heard by some officers and the troops which had escaped, of the unfortunate encounter which your excellency communicated to me in your letter of the 22d, I took measures to concentrate the army, and having succeeded, marched upon this point, disembarrassing myself of some useless things, with the intention of taking again the initiative upon the enemy; but in consideration of your excellency's communication, and the particular circumstances connected with it, and desirous of giving a proof of my high regard for you individually, as well as for the prisoners your excellency speaks of, I am preparing to repass the Colorado, and shall discontinue hostilities, if not provoked to renew them by the enemy.

Generals Gaona, Urrea and Ramirez y Sesma, with their divisions, are, as I have said before, now united with me. Your excellency knows well what the forces now at my disposition would enable me to effect, and is consequently aware that I cease hostile operations, notwithstanding my responsibility to the supreme government, solely, I repeat, for considerations due to your own person, and to the peace of the republic. On the other hand, I am desirous of being assured that proper respect is paid to your excellency and the other prisoners, all of which is observed to the various prisoners of the enemy now in my hands.

Hostilities having ceased, as I have told, your excellency's property also will be respected, and nothing taken which is not absolutely necessary for the army. Where there is any owner present, it shall be religiously paid for, as it always would have been if they had not abandoned and burnt the greater part of their habitations. A few wooden houses have been burnt, and myself and the generals under my orders have been very indignant on this account. Disorders of this kind are committed by the bad subjects which are never wanting in armies, and I had ordered similar transgressors in future to be punished with death, before I received your excellency's letter.

As your excellency informs me that you have agreed upon an armistice with general Houston, without informing me of the particulars, I have directed general Don Adrian Wall to inform himself of them, that they may be mutually complied with, &c. &c. &c.

VICENTE FILASOLA.

San Bernardo, April 28, 1836.

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Letter from gen. Santa Ana to gen Filasola.

The small division operating under my immediate command having had an unfortunate encounter yesterday evening, the result has been that I am a prisoner of war with the enemy, who has preserved towards me every possible respect. In consequence, your excellency will direct general Gaona to countermarch to Bejar to await orders, in like manner as your excellency will do with the troops under your orders. You will direct general Urea to retire with his division to Guadaloupe Victoria. A provisional armistice having been agreed upon with general Houston, negotiations will be entered into to put an end to the war forever.

Your excellency may dispose, for the use of the army, which from this time remains under your command, of the supplies and funds which are at Metamoras and Victoria, independent of the twenty thousand dollars which ought to be in the army chest on leaving Bejar, &c. &c. &c.

ANTONIO LOPEZ DE SANTA ANA.

San Jacinto, April 22, 1836.

[PRIVATE.]

General Santa Ana to general Filasola.

MY ESTEEMED FRIEND AND COMRADE: As I am ignorant of the period I shall have to remain here, and you are retiring into the interior, I wish you to send me my equipage, that of my comrade Almonte, that of Castrillon, that of Nunez, and a trunk of my secretary, Caro, which is in the chamber, with those belonging to me, sending a confidential person with the muleteers and guide who will conduct them to this camp, and delivering him the inclosed safe conduct, that no accident may occur on the road.

I recommend to you to comply with my official orders, respecting the retreat of the troops, as early as it is possible. It is necessary for the security of the prisoners, and particularly for that of your affectionate friend and comrade,

ANTONIO LOPEZ DE SANTA ANA.

Jan Jacinto, April 26, 1836.

To his excellency Don Vicente Filasola.

IMPORTANT TREASURY CIRCULAR.

To receivers of public money, and to the deposite banks.

Treasury department, July 11, 1836.

In consequence of complaints which have been made of frauds, speculations and monopolies, in the purchase of the public lands, and the aid which is said to be given to effect these objects by excessive bank credits, and dangerous, if not partial, facilities through bank drafts and bank deposites, and the general evil influence likely to result to the public interests, and especially the safety of the great amount of money in the treasury, and the sound condition of the currency of the country, from the further exchange of the national domain in this manner, and chiefly for bank credits and paper money, the president of the United States has given directions, and you are hereby instructed, after the 15th day of August next, to receive in payment of the public lands nothing except what is directed by the existing laws, viz: gold and silver, and, in the proper cases, Virginia land scrip: provided, that, till the 15th December next, the same indulgences heretofore extended as to the kind of money received, may be continued for any quantity of land not exceeding three hundred and twenty acres to each purchaser who is an actual settler, or *bona fide* resident in the state where the sales are made.

In order to insure the faithful execution of these instructions, all receivers are strictly prohibited from accepting for land sold any draft, certificate, or other evidence of money or deposite, though for specie, unless signed by the treasurer of the United States, in conformity to the act of April 24, 1820. And each of those officers is required to annex to his monthly returns to this department the amount of gold and of silver respectively, as well as the bills received under the foregoing exception; and each deposite bank is required to annex to every certificate given upon a deposite of money the proportions of it actually paid in gold, in silver and in bank notes. All former instructions on these subjects, except as now modified, will be considered as remaining in full force.

The principal objects of the president in adopting this measure being to repress alleged frauds, and to withhold any countenance or facilities in the power of the government from the monopoly of the public lands in the hands of speculators and capitalists, to the injury of the actual settlers in the new states, and of emigrants in search of new homes, as well as to discourage the ruinous extension of bank issues and bank credits, by which those results are generally supposed to be promoted, your utmost vigilance is required and relied on, to carry this order into complete execution.

LEVI WOODBURY, *secretary of the treasury.*

SURVEYING AND EXPLORING EXPEDITION

TO THE PACIFIC OCEAN AND SOUTH SEAS.

We learn that the president has given orders to have the exploring vessels fitted out, with the least possible delay. The appropriation made by congress was ample to insure all the great objects contemplated by the expedition, and the executive is determined that nothing shall be wanting to render the expedition in every respect worthy the character and great commercial resources of the country.

The frigate Macedonia, now undergoing thorough repairs at Norfolk, two brigs of two hundred tons each, one or more tenders, and a store ship of competent dimensions, is, we understand, the force agreed upon, and to be put in a state of immediate preparation.

Captain Thomas Ap C. Jones, an officer possessing many high qualities for such a service, has been appointed to the command; and officers for the other vessels will be immediately selected.

The Macedonia has been chosen instead of a sloop of war, on account of the increased accommodations she will afford the scientific corps, a department the president has determined shall be complete in its organization, including the ablest men that can be procured, so that nothing within the whole range of every department of natural history and philosophy shall be omitted. Not only on this account has the frigate been selected, but also for the purpose of a more extended protection of our whalemen and traders; and to impress on the minds of the natives a just conception of our character, power and policy. The frequent disturbances and massacres com-

mitted on our seamen by the natives inhabiting the islands in those distant seas, make this measure the dictate of humanity.

We understand also, that to J. N. Reynolds, esq. the president has given the appointment of corresponding secretary to the expedition. Between this gentleman and captain Jones there is the most friendly feeling and harmony of action. The cordiality they entertain for each other, we trust, will be felt by all, whether citizen or officer, who shall be so fortunate as to be connected with the expedition. [*Globe.*

LIST OF ACTS

PASSED AT THE FIRST SESSION OF THE TWENTY-FOURTH CONGRESS, ENDING JULY 4, 1836.

From the National Intelligencer of July 4.

An act to settle and establish the northern boundary of the state of Ohio.

To authorise the allowance of certain charges in the accounts of the American consul at London.

To divide the Green Bay land district in Michigan, and for other purposes.

To regulate the deposites of the public money.

For the relief of the sufferers by the fire in the city of New York.

In addition to the act of the 24th of May, one thousand eight hundred and twenty-eight, entitled "an act to authorise the licensing of vessels to be employed in the mackerel fishery."

To effect patents for public lands issued in the names of deceased persons.

Making appropriation for the payment of charges incurred for the support of the penitentiary in the District of Columbia, for the year eighteen hundred and thirty-five, and for the support of the said penitentiary for the year 1836.

Establishing the territorial government of Wisconsin.

To remove the land office for Clinton to Jackson, in the state of Mississippi.

For the relief of the several corporate cities of the District of Columbia.

To extend the charters of the bank of Columbia, in Georgetown, and the bank of Alexandria, in the city of Alexandria.

To appoint a day for the annual meeting of congress.

To establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan upon the conditions therein expressed.

For the admission of the state of Arkansas into the union, and to provide for the due execution of the laws of the United States within the same, and for other purposes.

Explanatory of the act entitled "an act to prevent defalcations on the part of the disbursing agents of the government, and for other purposes."

To carry into effect the treaties concluded by the Chickasaw tribe of Indians, on the twentieth October, eighteen hundred and thirty-two, and twenty-fourth of May, eighteen hundred and thirty-four.

To amend an act to grant certain relinquished and appropriated lands to the state of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahaba and Black Warrior rivers.

To extend the western boundary of the state of Missouri to the Missouri river.

To authorise the governor and legislative council of the territory of Florida to sell the lands heretofore reserved for the benefit of a general seminary of learning in said territory.

Supplementary to the act entitled "an act for the admission of the state of Arkansas into the union, and to provide for the due execution of the laws of the United States within the same, and for other purposes."

Supplementary to the act entitled "an act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the union on certain conditions."

For the due execution of the laws of the United States within the state of Michigan.

Explanatory of an act entitled "an act to release from duty iron prepared for and actually laid on railways and inclined planes."

To disapprove and annul certain acts of the territorial legislature of Florida, and for other purposes.

To extend two patents of James Barrow.

Confirming the title of Jos. Sorin, alias Larochelli, and those claiming under him, to a tract of land in Missouri.

To confirm the title of the heirs of M. de la Carera to a tract of a land.

To refund the duties paid upon the importation of certain bells.

For the payment of certain companies of the militia of Missouri and Indiana, for services rendered against the Indians in eighteen hundred and thirty-two.

For laying off the towns of Fort-Madison and Burlington, in the county of Des Moines; and the towns of Belleview, Du Buque and Peru, in the county of Du Buque, territory of Wisconsin, and for other purposes.

To amend an act entitled "an act authorising the laying off a town on Bean river, in the state of Illinois, and for other purposes," approved 5th Feb. eighteen hundred and twenty-nine.

To provide for issuing a land patent to Thomas B. Clarke.

Regulating the terms of the superior courts of the middle district of Florida, and for other purposes.

To authorise a settlement of the accounts of Marinus W. Gilbert, late an army sutler.

Making appropriations, in part, for the support of government for the year 1836.

Making appropriations for the payment of the revolutionary and other pensioners of the U. States for the year 1836.

Making appropriations for the naval service for the year 1836.

Making appropriations for the support of the army for the year 1836.

To carry into effect a convention between the United States and Spain.

Making an appropriation for repressing hostilities commenced by the Seminole Indians.

Making appropriations for the current expenses of the Indian department for Indian annuities, and other similar objects for the year 1836.

To incorporate a fire insurance company in the town of Alexandria, in the District of Columbia.

To authorise the president of the United States to cause to be issued to Albert J. Smith, and others, patents for certain reservations of land in Michigan territory.

Confirming to the legal representatives of Thomas F. Reddick a tract of six hundred and forty acres of land.

Authorising the commissioner of the general land office to issue to David J. Talbot a patent for a quarter section of land in Missouri.

To extend the charters of certain banks in the District of Columbia to the 1st of October, 1836.

Making appropriations for the civil and diplomatic expenses of government for the year 1836.

Making an additional appropriation for repressing hostilities commenced by the Seminole Indians.

To change the organization of the post office department, and to provide more effectually for the settlement of the accounts thereof.

Authorising the president of the United States to accept the services of volunteers, and to raise an additional regiment of dragoons or mounted riflemen.

Authorising a special term of the court of appeals for the territory of Florida, and for other purposes.

To repeal so much of the act entitled "an act transferring the duties of commissioner of loans to the bank of the U. States, and abolishing the office of commissioner of loans," as requires the bank of the United States to perform the duties of commissioner of loans for the several states.

To prescribe the mode of paying pensions heretofore granted by the United States.

To authorise the conveyance of certain lands belonging to the university of Michigan.

To provide for the payment of volunteers and militia corps in the service of the United States, and for the appointment of additional paymasters.

Authorising the secretary of the treasury to act as the agent of the United States in all matters relating to their stock in the bank of the United States.

Repealing the fourteenth section of the "act to incorporate the subscribers to the bank of the United States," approved April 10, 1816.

To establish an arsenal of construction in the state of North Carolina.

Authorising the secretary of war to transfer a part of the appropriation for the suppression of Indian hostilities in Florida to the credit of subsistence.

To change the time of holding the district court of the United States for the western district of Virginia, held at Clarksburg.

Making further appropriations for the suppression of Indian hostilities in Florida.

To extend the time for selling the land granted to the incorporated Kentucky asylum for teaching the deaf and dumb.

Providing for the salaries of certain officers therein named, and for other purposes.

Authorising the Winnisimmet company to lay out and make a way on lands of the United States, in Chelsea, in the state of Massachusetts.

Amendatory of the "act for the relief of the sufferers by fire in the city of New York," passed March 19, 1836.

To suspend the operation of the second proviso, third section of "an act making appropriations for the civil and diplomatic expenses of government for the year 1835."

To authorise the Shenandoah bridge company, at Harper's Ferry, to erect a bridge on the lands of the United States, at or near the town of Harper's Ferry.

To authorise the construction of a rail road through lands of the United States, in Springfield, Massachusetts.

To provide for the payment of expenses incurred, and supplies furnished on account of the militia or volunteers received into the service of the United States for the defence of Florida.

Making a further appropriation for suppressing Indian hostilities in Florida.

To establish certain post roads, and alter and discontinue others, and for other purposes.

Making an appropriation for the suppression of hostilities by the Creek Indians.

Making appropriations for certain fortifications of the United States for the year 1836, and for other purposes.

Making appropriations for the military academy of the United States for the year 1836.

Making appropriations for the suppression of Indian hostilities and for other purposes.

To repair and extend the United States' arsenal at Charleston, South Carolina.

To renew the gold medal struck and presented to general Morgan, by order of congress, in honor of the battle of the Cowpens.

To regulate the compensation of certain officers of revenue cutters.

To authorise the appointment of additional paymasters, and for other purposes.

In addition to the act entitled "an act making appropriations in part for the support of government for the year one thousand eight hundred and thirty-six," and for other purposes.

To confirm the sales of public lands in certain cases.

To extend the charters of certain banks in the District of Columbia, and for other purposes.

For the continuation of the Cumberland road in the states of Ohio, Indiana and Illinois.

To extend the privilege of franking letters and packages to Dolly P. Madison.

To promote the progress of useful arts, and to repeal all acts and parts of acts heretofore made for that purpose.

Confirming the claims of land in the state of Louisiana.

To reorganize the general land office.

To suspend the discriminating duties upon goods imported in vessels of Portugal, and to reduce the duties on wines.

Supplementary to an act entitled "an act to regulate the deposite of the public money," passed twenty-third June, eighteen hundred and thirty-six.

To provide for the settlement of the claim of Mary O'Sullivan.

To provide for the better protection of the western frontier.

To grant to the New Orleans and Nashville rail road company the right of way through the public lands of the United States.

Amendatory of the act entitled "an act to incorporate the Provident association of clerks in the civil department of the government of the United States in the District of Columbia."

Making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes for the year one thousand eight hundred and thirty-six.

Making further appropriations for carrying into effect certain Indian treaties.

Making appropriations for the improvement of certain harbors therein mentioned, for the year 1386, and for other purposes.

To repeal so much of the act of March second, seventeen hundred and ninety, as respects the issuing of certificates on the importation of wines.

To authorise the corporation of Georgetown to close certain streets in said town.

RELIEF ACTS.

To revive and extend the provisions of an act passed on the twenty-fourth May, eighteen hundred and twenty-four, entitled "an act for the relief of the representatives of John Donelson, Stephen Herd and others;" for the relief of the representatives of Robert Jouet, deceased; of Henry B. Tyler, executor of col. Richard Smith, deceased; of Elizabeth Robinson, daughter of lieutenant Richard Wilde, deceased; of Melancthon Taylor Woolsey; of Carey Clark; of Orrio Gay; of Albert Pawling, a colonel in the revolutionary war; of the heirs of Richard Anderson; of the widow of Samuel Gibbs; of John A. Rogers; of Leslie Coombs, of Jonathan Elkins; of Stephen Bohannan; of Gains Hitchcock; of Duncan L. Clinch; of Hiram A. Hunter; of Elijah Simmons; of Samuel Smith, Lynn MacGhee and Semoice, Creek Indians; of Susan Marlow; of Joseph Hertick; of Walter Loomis and Abel Jay; of Robert Abbott, and the other heirs of James Abbott, deceased; of James Thomas; of John La Tourette; of David McCord; of Charles J. Catlett; of Martin Prindle; of the legal representatives of the late Theodore W. Maurice; of Henry Wainwright, in addition to the act for the relief of the legal representatives of George Hurlburt, deceased; of James F. Sothoron; of John M. Gamble; of the legal representatives of Nathaniel Shaver, deceased; of the legal representatives of Thornton Taylor, deceased; of Josette Beaubien and her children; of James Sutherland, and Rebecca his wife, formerly Rebecca Parkerson; of the legal representatives of captain David Hopkins; of Antonio Segura and others; of George Dawson; of A. & J. Dennistown & company, of New Orleans; of the heirs, or their legal representatives, of William Conway, deceased; of the owners, officers and crews of the private armed vessels Neptune and Fox; of John A. Hatch and others, interested in a fishing vessel which was lost at sea; of the legal representatives of Nathaniel Canada; of Henry H. Hall; of Nancy Leamaster, widow of James Leamaster; of Noah Brown, the legal representative of Adam Brown; of Ebenezer Spalding; of the executors of James O'Hara, late of Pittsburgh, deceased; of the legal representatives and sureties of James Brobson; of Joseph Bogy; of the legal representatives of Joseph Hazlet and Jemima Mauro, surviving children of the late colonel John Hazlet, of the state of Delaware, deceased; of John Cummins; of Isaac Means and others, late owners of the schooner Elizabeth; of the legal representatives of Henry Richardson and Samuel Stout, and for lieutenant John Rudd; of Seaborn Jones and Joel Crawford; of Don Carlos Dehault Delassas; of the trustees of the common schools, in township eight, range eleven east, in the state of Mississippi; of James L. Cathcart; of the heirs of James Moore; of William P. Rathbone; of the legal representatives of David Caldwell, deceased; of Jean Baptiste Janis, sen. of Missouri; of Gabriel W. Denton and others; of the widow of Peter Smith; of Larned Swallow; of Ephraim Page; of Parker Chase; of John S. Stiles; of James Tilford; of John Pierce and Daniel Van Voorhis; of Joseph Cooper; of the heirs of Thomas F. Townsley; of the heirs of Giuseppe Franzoni and the heirs of Francis Jardella; of the legal representatives of William Findlay; of Marinus W. Gilbert; of Jesse Smith and others; of Richard Hardesty; of David Bartlett; of William Baker, of the state of New York; of Dr. William Baker, of the District of Columbia; of Daniel Whitney; of Andrew Dodge; of George Bender; of the legal representatives of Nathaniel P. Tatum; of Benjamin Franklin Stickney; of John McDonell; of Henry Knowles, sen.; of John Pollock; of Daniel Homan; of Owen Rice and others, representatives of Jacob Eyerly; of lieutenant Washington Seawell; of Joseph Russ and Stephen P. Roach; of Jane Taylor and her children, the heirs of the late James Plunkett; of the legal representatives of Willie Blount; of Laurentius M. Eiler; of Moses Bliss; of David S. Campbell; of John Saunders and Perley Putnam; of the executor of Charles Wilkins; of Stephen Crittenton; of Jacob B. Gilbert; of Joel Sartain; of the representatives of Thomas Beacham; of Joshua Cullumber; of Abner Stilson; of Archibald Small; of Reuben Colburn; of Henry Darling; of Charles M. Frasier; of Joseph W. Wormstead, of Marblehead, master and owner of the schooner Sally, and the crew of said vessel; of Abiel Roads and others, owner, and the officers and crew of the schooner Mary, of Marblehead, in the state of Massachusetts; of Ebenezer Phillips and others; of Joseph W. Green and the owners and crew of the fishing schooner Two Brothers, of Marblehead, in the state of Massachusetts; of George Gott and others; of Benjamin and Nancy Merrill, of Joseph Gresham; of William Bowman; of the citizens of the reserved township in Monroe county, in the state of Indiana; of Thomas Dixon & company, of New York; of Amy Wilson; of Peter Doxtator and Jacob Weaver; of the legal representatives of Thomas Halliday, deceased; of William Woodward and William Mitchell; of Samuel W. Ruff; of the legal representatives of Dr. Absalom Baird, deceased; of Daniel Smith; of David Browning; of John Caulfield; of James Wiltbank, of Jacob F. Watter; of Robert McJimsey, surviving partner of the firm of Jackson & McJimsey; of John Fraser & company, of Charleston, South Carolina; of Elizabeth Mays, mother of Wilson Mays, deceased, in the naval service of the United States; of James Tucker and John Judge; of Francis R. Theobald; of Benjamin F. Stone; of the legal representatives of Michael Fenwick, deceased; of Andrew Hoover, of Indiana; of Henry Stoddart; of John F. Lewis; of Abraham Forbes, a spy in the late war; of James Alexander and Ira Nash; of Israel Ingalls; of the heirs of William Forbes, deceased; of Jesse Sykes; of William Howes; of Henry Keefer; of Francis Bashford; of Bernard Pompilly; of Elisha Lucas; of John Cowper; of John S. Devlin; of Thaddeus Tuttle; of James Steel; of Davis Hunt; of Relief Harris; of John Dal; of Scioto Evans; of doctors J. E B. Finley and E. H. Deas; of James Robertson, of South Carolina; of Samuel Hunt; of John Pickard; of Richard Martin; of Peter Dimick, of the state of New York; of Peter Cook, a soldier in the last war; of Samuel Kincaid; of Joshua Pitcher; of George Elliott; of John Bennett; of James Mullings; of Stephen Tallmadge; of Francis F. Saint Cyr; of Luke Voorhise; of John Logan; of John Conkin; of Thaddeus Potter, of the state of New York; of William Foxworthy; of Ellenthern Schmuck; of Ephraim F. Gilbert; of Alpheus Hutchins; of Godfrey Wought; of John Lent; of Patrick McEwen; of Jeremiah Goldsmith; of Joseph Tuttle; of Mathias Traverse; of Joseph Danforth; of Jacob Wallace; of Jonathan Dow; of James Scott, Richard Severson and Lot Leonard, soldiers of the revolutionary war; of John Boone; of John Herrick; of Ann Evans; of Benedict Alford and Robert Brush; of James Taylor; of Isaac Ruland; of Job Daniels; of Daniel Trabue; of Benjamin Coit; of Robert Smith; of Benjamin Bennet, Peter Guthrie, George W. Bennet, James Calvin, John Fifer and the heirs of Henry Sumpter, deceased; of George Fields; of Samuel M. Asbury; of Joshua Curtis; of William Pattie, of Virginia; of John Scott; of Travise Fritters; of Balaam Bowers, of Virginia; of Silas Fisher, a Choctaw Indian; of Singleton Ketcham; of Elizabeth Swain; of Peggy Able, Sally Rolls and Elijah Green; of Henry Maggart; of George White; of Daniel Cobb; of Jonathan Flint; of Mary Lumpkin; of Nancy Haggart, and for other purposes; of Nathaniel Platt; of John Howell; of John H. Holland; of James Bradford, of Louisiana; of Coleman A. Collier; of John Almon and George Woolsey; of James Baldridge; of the representatives of Jacob Shoemaker, deceased; of the Lexington and Ohio rail road company; of the sureties of Nicholas Kern; of John Randolph Clay and others; of Henry Newman and others; of William B. Stokes, Richard C. Stockton, Lucius W. Stockton and Daniel Moore; of William Pollard's heirs; of Tobias Crum; of Frederick C. De Krafft.

PENSION ACTS.

Granting an invalid pension to David Stoddard; increasing the pension of Thomas Harrison; of Jacob Hough; providing for the further to Mary I. Babbitt; granting pensions, and arrearages of pensions, to certain persons therein named; to Theophilus E. Beekman, late first lieutenant in the forty-first regiment of United States infantry; to colonel Gideon Morgan, of the state of Tennessee; to certain persons therein named; to provide for the paying of certain of the United States at Pulaski, in the state of Tennessee; to William Lawrence, late a co-

lonel in the army; providing that John Smith be placed on the list of invalid pensioners; to Samuel Cole; to James Stevens, to John Collins; to Peter L. Allen; to Charles Blake; to Walter Dyer; to provide for the payment of certain pensioners in the states of Virginia and Ohio; to Ebenezer Dewey; to Benjamin Parkhurst and Daniel Havens; to Jonas Cumins; to John Daw; to Andrew Gray; to John Miles; to Micajah Ricketts; to William Warden; to Daniel Granger; to general Eleazer W. Ripley; granting half pay to widows and orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes.

JOINT RESOLUTIONS.

Resolution to authorise and enable the president to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, deceased, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

To apply the unexpended balance of the appropriation for the Potomac bridge, to the improvement of Maryland avenue, leading thereto, and for other purposes.

To authorise the secretary of war to receive additional evidence in support of the claims of Massachusetts, and other states of the United States, for disbursements, services, &c. during the late war.

To change the time of making contracts for the transportation of the mail.

Providing for the distribution of weights and measures.

Authorising the president to furnish rations to certain inhabitants of Florida.

To establish certain post roads in Missouri and Arkansas.

Referring the petition and papers of the heirs of Robert Fulton, deceased, to the secretary of the navy, to report thereon to congress.

To suspend the sale of a part of the public lands acquired by the treaty of Dancing Rabbit Creek.

Authorising the repair of the bridge across the river Potomac, at Washington.

APPROPRIATIONS OF THE LAST SESSION OF CONGRESS.

Report from the secretary of the treasury, in compliance with a resolution of the senate, showing the amount of appropriations made by acts passed at the last session of congress, &c. &c.

Treasury department, July 6, 1836.

SIR: I have the honor to report on the several matters contained in a resolution of the senate, passed June 25th, 1836, in the following words:

"*Resolved*, That the secretary of the treasury be directed to report to the senate on the 4th day of July as follows:

1. The amount of outstanding appropriations of former years, unexpended on the 1st of January, 1836, and chargeable upon the present year.

2. The amount of permanent appropriations chargeable on the present year.

3. A detailed list of the acts of a general or public nature passed at the present session of congress, and the amount appropriated by each act.

4. A statement of the number of private bills passed at the present session, and the aggregate amount appropriated by them.

5. The amount drawn from the treasury during the present year.

6. The amount in the treasury subject to draft.

7. The amount of revenue expected to be received during the remainder of the year.

And if the said report cannot be made before the adjournment of congress on the 4th of July, then to be received by the secretary of the senate, and one thousand extra copies thereof to be printed and distributed as other public documents."

1. In answer to the first inquiry concerning "the amount of outstanding appropriations of former years, unexpended on the 1st of January, 1836, and chargeable upon the present year," I have to remark that it was $8,726,990.

2. "The amount of permanent appropriations chargeable on the present year" is ascertained and computed to be $3,913,670.

As part of this amount depends on estimates, a schedule is annexed of each act, and the sums already paid, and those expected to be paid, under each.—(A.)

3. "A detailed list of the acts of a general or public nature, passed at the present session of congress, and the amount appropriated by each act," is annexed.—(B.)

The sums appropriated are in several cases indefinite and uncertain, but have been estimated from the best data attainable. They will amount in the aggregate, as ascertained and computed, to $34,577,018.

4. "A statement of the number of private bills passed at the present session, and the aggregate amount appropriated by them," is subjoined.

The whole number of such bills has been 289, and the amount appropriated by them, as ascertained where certain, and as computed where uncertain, is $220,000.

5. "The amount drawn from the treasury during the present year," up to the 30th of June, 1836, and exclusive of the Chickasaw fund, is $11,281,177.

6. "The amount in the treasury subject to draft," excluding the Chickasaw fund and unavailable assets, was on the 27th June, 1836, by the treasurer's report, $34,652,464.

7. "The amount of revenue expected to be received during the remainder of the year" is $16,000,000.

Should the receipts from lands continue to be unusually large, this estimate may be too low; whereas, if they fall off very much, it will prove too high. On that subject it is impossible to attain any great degree of certainty at this time. If any thing is received from the bank stock of the United States before the close of the year, the amount of revenue may be increased to that extent above the preceding estimate.

From the above reply to all the inquires in the resolution of the senate, the general results, presented in a condensed form, are as follows:

The whole charges on the treasury for 1836, ascertained and estimated, are $47,437,678, viz:

Appropriations outstanding 1st Jan. 1836	$8,726,990
Appropriations permanent, chargeable to 1836	3,913,670
Appropriations general, passed in 1836	34,577,018
Appropriations private, passed in 1836	220,000

The whole means to meet these charges are, as ascertained and estimated, $61,933,641, viz:

Amount already received and paid out of the treasury towards them	$11,281,177
Amount received and now on hand, including what was in the treasury on the 1st Jan. last	34,652,465
Amount expected to be received during the residue of the year	15,000,000

This would leave in the treasury, on the 1st of January, 1837, an excess of $14,495,963 of means beyond the charges; but the appropriations have been made so late the present year, that the excess of money in the treasury, beyond the sum then actually expended, must be much larger, and, though it cannot now be computed with accuracy, will probably exceed 27,000,000 dollars. Respectfully, yours,

LEVI WOODBURY, *secretary of the treasury.*

Hon. *Martin Van Buren, president of the senate.*

A.

Amount of permanent appropriations chargeable on the present year, viz:

SPECIFIC.

Arming and equipping the militia	$200,000	
Civilization of Indians	10,000	
Books for the law library of congress	1,000	
Gradual improvement of the navy	500,000	
		711,000 00

INDEFINITE, ACTUALLY PAID FROM JANUARY 1, TO JUNE 30, 1836,

Revolutionary claims	84,474 00	
Revolutionary pensions	914,272 94	
Virginia claims	34,581 58	
Roads within the state of Ohio (3 per cent. fund)	34,524 16	
Roads and canals within the state of Indiana, do.	86,685 79	
Roads and canals within the state of Mississippi, do.	193,498 40	
Roads and canals within the state of Alabama, do.	119,166 86	
Roads and canals within the state of Missouri, do.	44,545 49	
Roads and levees within the state of Louisiana, (5 per cent.)	31,500 00	
Encouragement of learning within the state of Illinois, (3 per cent.)	91,073 24	
Relief of the several corporate cities of the District of Columbia	51,562 50	
Additional compensation to collectors, surveyors, naval officers, &c.	62,501 15	
Repayment for lands erroneously sold	4,406 62	
Payment for property lost	1,643 90	
Expenses under the convention with France	6,371 31	
Do. with Denmark	98 50	
Do. with Naples	118 00	
French seamen killed or wounded at Toulon	1,000 00	
Duties refunded on merchandise and wines	58 55	
Consular receipts	91 78	
		1,762,174 77

INDEFINITE, ESTIMATED FROM JULY 1, TO DECEMBER 31, 1836.

Roads and canals within certain states (3 per cent. fund)	200,000	
Relief of the corporate cities of the District of Columbia	41,250	
Additional compensation to collectors, surveyors, naval officers, &c.	20,000	
Repayment for lands erroneously sold	4,000	
Payment for property lost, &c.	2,000	
Revolutionary claims	84,474	
Revolutionary pensions	914,272	
Virginia claims	34,500	
Marine hospital establishment	90,000	
Interest on the public debt	50,000	
		1,440,496 00
		$3,913,670 77

B.

A detailed list of the acts of a general or a public nature, passed at the present session of congress, and the amount appropriated by each act.

An act making appropriations, in part, for the support of government for the year 1836	$843,880 00
An act making appropriations for the civil and diplomatic expenses of government for the year 1836	2,799,769 31
An act providing for the salaries of certain officers therein named, and for other purposes	74,570 00
An act to regulate the deposites of the public money	1,879 12
An act to reorganize the general land office	43,425 00
An act in addition to the act entitled "an act making appropriations in part for the support of government for the year 1836, and for other purposes"	463,577 96
An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose	5,500 00
An act to carry into effect the convention between the United States and Spain	2,000 00
An act to establish the territorial government of Wisconsin	5,000 00
An act for the admission of the state of Arkansas into the union, and to provide for the due execution of the laws within the same, and for other purposes	1,000 00
An act to provide for the due execution of the laws of the United States within the state of Michigan	1,000 00
An act to carry into effect, in the states of Alabama and Mississippi, the existing compacts with those states with regard to the 5 per cent. fund, and school reservations	250,000 00
An act making an appropriation for repressing hostilities commenced by the Seminole Indians	120,000 00
An act making an additional appropriation for repressing hostilities commenced by the Seminole Indians.	500,000 00
An act making a further appropriation for the suppression of Indian hostilities in Florida	500,000 00
An act making a further appropriation for suppressing Indian hostilities in Florida	1,000,000 00
An act making an appropriation for the suppression of hostilities by the Creek Indians	500,000 00
An act making appropriations for the suppression of Indian hostilities, and for other purposes	2,400,000 00
An act authorising the president of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons, or mounted riflemen	300,000 00
An act to provide for the better protection of the western frontier	100,000 00
An act making appropriations for the support of the army for the year 1836	4,010,485 44
An act making appropriations for the military academy of the United States for the year 1836	131,651 48
An act to repair and extend the United States arsenal at Charleston, South Carolina	20,000 00
An act to authorise the appointment of additional paymasters, and for other purposes	2,930 00
An act for the purchase of certain rights or inventions of W. H. Bell, of North Carolina	20,000 00
An act for the payment of certain companies of the militia of Missouri and Indiana, for services rendered against the Indians in 1832	4,300 00
An act to establish an arsenal of construction in the state of North Carolina	45,000 00
An act to renew the gold medal struck and presented to general Morgan by order of congress in honor of the battle of the Cowpens	150 00
An act making appropriations for certain fortifications of the United States for the year 1836, and for other purposes	2,117.084 56
An act making appropriations for the Delaware breakwater, and for certain harbors and removing the obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1836	709,384 42
An act making appropriations for the improvement of certain harbors therein mentioned, for the year 1836, and for other purposes	493,100 41
An act for the continuation of the Cumberland road in the states of Ohio, Indiana and Illinois	600,000 00
An act making appropriations for the payment of the revolutionary and other pensioners of the United States for the year 1836	455,454 00
An act granting half pay to widows and orphans, where their husbands or fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes	55,000 00
An act making appropriations for the current expenses of the Indian department, for Indian annuities, and other similar objects, for the year 1836	1,862,108 74
An act making further appropriations for carrying into effect certain Indian treaties	6,361,456 42
An act making appropriations for the naval service for the year 1836	6,276,312 10
An act for the relief of the corporate cities of the District of Columbia	1,500,000 00
	$34,577,018 96

NOTE. The above list includes, it is believed, all the acts of a general or public nature, passed at the present session of congress, which make any appropriation of money.

THE DEPOSITE BILL.

From the National Intelligencer.

The inclosed table is sent for publication, believing it to be a more accurate statement of the apportionment of the deposites than the one heretofore published. The calculation is known to be correct.

A table showing the population of each state in federal numbers, according to the census of 1830, the proportion of each in a surplus of thirty millions of dollars, according to such population, and the proportion of each, according to the ratio adopted by the deposite bill of June, 1836.

States.	*Population entitled to representation by census of 1830.*	*Proportion of deposite of $30,000,000, according to population.*	*No. of senators and representatives.*	*Proportion of deposite according to the deposite bill.*
Maine	399,462	$1,004,806 59	10	1,041,666 67
N. Hampshire	269,533	677,983 23	7	729,166 67
Vermont	280,679	706,019 87	7	729,166 67
Massachusetts	610,014	1,534,429 03	14	1,458,333 33
Connecticut	297,701	748,837 00	8	833,333 33
Rhode Island	97,204	244,506 91	4	416,666 67
New York	1,913,489	4,813,189 64	42	4,375,000 00
New Jersey	319,880	804,626 06	8	833,333 33
Pennsylvania	1,347,517	3,389,543 86	30	3,125,000 00
Delaware	75,417	189,703 90	3	312,500 00
Maryland	405,761	1,020,651 09	10	1,041,666 67
Virginia	1,023,382	2,574,214 78	23	2,395,833 33
N. Carolina	639,885	1,609,566 51	15	1,562,500 00
S. Carolina	455,192	1,144,989 82	11	1,145,833 33
Georgia	429,541	1,080,467 31	11	1,145,833 33
Alabama	262,208	659,557 93	7	729,166 67
Mississippi	110,542	278,057 31	4	416,666 67
Louisiana	171,927	432,465 13	5	520,833 33
Tennessee	627,870	1,579,344 01	15	1,562,500 00
Kentucky	622,704	1,566,349 45	15	1,562,500 00
Ohio	937,679	2,358,637 47	21	2,187,500 00
Indiana	341,582	859,215 26	9	937,500 00
Illinois	157,276	395,612 02	5	520,833 33
Missouri	130,089	327,225 82	4	416,666 67
	11,926,534	$30,000,000 00	288	$30,000,000 00

States.	*Excess of the first ratio over the ratio fixed by the deposite bill.*	*Excess by the deposite bill over the ratio by population.*
Maine	- -	36,860 08
New Hampshire	- -	51,183 44
Vermont	- -	23,146 80
Massschusetts	76,095 70	
Connecticut	- -	84,496 33
Rhode Island	- -	172,159 76
New York	438,189 64	
New Jersey	- -	28,707 27
Pennsylvania	264,543 86	
Delaware	- -	122,796 10
Maryland	- -	21,015 58
Virginia	178,381 45	
North Carolina	47,066 51	
South Carolina	- -	843 51
Georgia	- -	65.366 02
Alabama	- -	69,608 74
Mississippi	- -	138,609 36
Louisiana	- -	88,368 20
Tennessee	16,844 01	
Kentucky	3,849 45	
Ohio	171,137 47	
Indiana	- -	78,284 74
Illinois	- -	25,221 31
Missouri	- -	89,440 85
	$1,196,108 09	$1,196,108 09

COL. RICHARD M. JOHNSON'S OPINIONS.

The following correspondence of colonel Richard M. Johnson, with a committee of the democratic citizens of New York has been placed in the hands of the editors of the New York Evening Post for publication.

From the New York Evening Post.

New York, June 13th, 1836.

To *col. Richard M. Johnson.*

SIR: As a committee of a general convention of the democratic party of the city and county of New York, in favor of equal rights and opposed to all monopolies, we are instructed to submit to your consideration, as the candidate of the Baltimore convention for the office of vice president of the U. States, the following "declaration of principles" adopted and observed by those whom the delegates have the honor to represent:

1st. That "the true foundation of republican government is the *equal rights* of every citizen, in his person and property, and in their management."

2d. That "the rightful power of all legislation is to declare and enforce only *natural rights and duties*, and to take *none of them from us*. No man has a *natural right to commit aggression* on the *equal rights* of another; and this is ALL from which the law ought to restrain him. Every man is under the *natural duty* of contributing to the necessities of society, and this is *all the law* should enforce on him. When the laws have declared and enforced all this, they have fulfilled their functions."

3d. That "the idea is quite unfounded that in entering into society, we *give up any natural right.*"

4th. Unqualified and uncompromising hostility to bank notes and paper money as a circulating medium, because gold and silver is the only safe and constitutional currency.

5th. Hostility to any and all monopolies by legislation, because they are a violation of the equal rights of *the people.*

6th. Hostility to the dangerous and unconstitutional creation of *vested rights* by legislation, because they are an usurpation of the people's sovereign rights. And we hold that all laws or acts of incorporation passed by one legislature can be rightfully altered or repealed by its successors.

In requesting an expression of your opinion in relation to them, as early as may be consistent with your other avocations, we are directed by the convention to add the assurance of their high appreciation of your political course, and the profound respect and esteem which they entertain for you as a man.

STEPHEN HASBROUCK,
E. W. GRAHAM,
ALEX. M. VACHE,
M. JAQUES,
ALEX. MING, jr.

Washington, June 24th, 1836.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 13th instant, enclosing the report and constitution of the democratic convention in New York, and submitting to my consideration the declaration of principles which it contains.

In contemplating man in a state of nature, I have not been in the habit of regarding him as a solitary, but as a social being. We come not into existence in a state of solitude; but the commencement of our being is in the society of our kind, and in a state of entire dependence upon our seniors.

A state of infancy is, therefore, by the law of nature, a state of subjection, and its government patriarchal. When infancy is past, our associations assume a different character. For most of the conveniences and for many of the necessaries of life, we are still dependent on one another; but that dependence is reciprocal, and therefore it imposes no obligations, and confers no privileges on one class or individual, which are not common to all. No one has the natural right to interrupt another in the enjoyment of "life, liberty and the pursuit of happiness," according to his own volition; and if man were not depraved, there would be no necessity for human laws or government, to secure to him the enjoyment of these natural rights. To restrain the licentiousness of those who would invade these rights, is the sole object of legitimate government. All beyond this is usurpation. In defining the rules to be observed in securing this object, every man in society is by nature equal, and entitled to an equal voice; and the obligation to contribute to the expenses and services necessary to the protection and support of the institutions by which those rights are guarded, is equally universal. These principles I conceive to be immutable, and the corollary is plain, that the natural rights and obligations of citizens of the same community are equal and universal.

The rights of no class can be relinquished, nor their obligations dissolved, without injustice and oppression.

This you will understand as expressing my views in approbation of the three first paragraphs of the "declaration of principles." On the other three, I believe all the acts of my public life have shown my opposition to monopolies and vested rights. Our natural rights are sufficient, and a legislative body cannot create others. To confer upon any man, or body of men, an exclusive power to exercise them, is only to deprive the rest of the community of their rights. The influence which any man, or voluntary association of men, may gain by their success in any kind of business, will always be sufficiently great and sufficiently dangerous without the recognition of law or the special favor of government. Every generation of men acts for itself and is uncontrolled by the acts of the former generation: so every legislature acts for its constituents, with the same power and prerogatives that its predecessor possessed: and no act of one legislature can of right curtail the power of its successor. Therefore, except in the fulfillment of a lawful contract, such as the reimbursement of debts contracted or payment for services performed, any act of one legislature may be repealed by a subsequent legislature. The preservation of public faith in legitimate acts, is a duty; and beyond this, the obligation of one legislative body cannot devolve upon another. All obligations are reciprocal; and as the acts of the present legislature cannot revert, so the acts of the former cannot bind the present.

I have considered it an unfortunate circumstance that we are become a banking nation. If the original proposition could recur, I should hope that the decision would be given unqualifiedly against the introduction of any other circulating medium than that of specie.

A paper circulation, by increasing the amount, lessens its nominal value: and the bankers derive the benefit.

If the evil cannot be immediately eradicated, we should endeavor by all honorable means to prevent its extension, in the hope that public sentiment will eventually become so universally in favor of the specie medium, that without a general shock to all public confidence "the golden age" may be restored. With great respect and esteem, your friend and fellow citizen, RH. M. JOHNSON.

To Messrs. *Alex. Vache, M. Jaques, Stephen Hasbrouck, Alex. Ming, jr.* and *E. W. Graham.*

RAIL ROADS.

The president and directors of the New Orleans and Nashville rail road company have made their first report. This report gives a favorable view of the prospects of the company. The report of the engineer gives assurance that the country between New Orleans and the Tennessee river will not require higher grades than twenty feet to the mile, with a minimum radius of curvature of 10,000 feet, and from that river to the point of destination, a route can be made nearly as favorable, but at an increased cost. After speaking of the utility of rail roads for transporting the mails, the board adds: "The use of them as a means of defending the country is relied on in the able report of the present secretary of war, and the work we are now prosecuting is referred to, when that officer tells us, that 'Nashville may succor New Orleans in sixty hours.'" And it is further stated, that "the mere proposition to execute the work, has given to the land on the line of the road an additional value, greater than the estimated cost of the undertaking." With a view to economy in transportation, the board have yielded to the suggestions of the engineer to use engines of great power, and therefore the width of the track between the rails is to be 5 feet 6 inches, and the rail 3 inches wide and 1 5-8 in thickness. This, it is thought, will produce an eventual saving in the expense of transportation and repairs.

The opening of the rail road from Newark to New Brunswick, took place on Wednesday the 6th instant, with appropriate ceremonies. The cars went through in an hour and thirty minutes. The only link which remains to be supplied in the chain of rail road communication from New York to Philadelphia, is the distance between New Brunswick and Trenton. When this is done, Philadephia and New York will be within five hours of each other, and it is calculated that the whole distance between New York and Washington, may be regularly accomplished in 13 hours—equalling in speed, the achievements of a first rate horse express.

MEMORIAL OF THE "FRIENDS"

Presented to the senate, by Mr. Buchanan, April 25. See proceedings.

To the senate and house of representatives of the U. States of America, in congress assembled—

The memorial of the yearly meeting of the religious society of Friends, held in Philadelphia, for the greater part of Pennsylvania and New Jersey; all Delaware and the Eastern Shore of Maryland; by adjournments from the 11th day of 4th month to the 16th of the same inclusive, 1836,

Respectfully represents—That your memorialists are aware of the importance of approaching congress at this period, on the subject of slavery—impressed with a solemn sense of duty, and emboldened by that conscious innocence which integrity of intention and purity of motive inspire, they, as free citizens of our beloved country, avail themselves of their constitutional right, respectfully to address you.

The religious society of Friends for a long course of years, have held an unwavering testimony against slavery. Our forefathers were repeatedly and respectfully heard by yours, in the legislative halls of our nation, on this deeply affecting subject.

They passed through good and also through evil report in their Christian labors in this cause. Through all their trials they stood steadfast to their purpose, sustained by the consoling evidence that they sought in singleness of heart, the prosperity and real happiness of all their beloved citizens of a common country.

We, their descendants are animated by the same spirit, and actuated by the same motives which influenced them in pleading the cause of the oppressed.

We do not deem it required of us at this time to delineate the suffering and violation of human rights, which stand inseparably connected with the unrighteous practice of holding our fellow men in unconditional bondage.

It is with feelings of no ordinary character, we have observed recent efforts to lull the consciences of men into a state of false security, by endeavoring to prove the lawfulness of slavery from Christian authority—in the very face of Christ's sermon on the mount, and his positive command: "and as ye would that men should do to you, do ye also to them likewise;" and this too by some who make a high profession of Christianity.

We reverence the precepts of our divine Law Giver—*these*, combined with his spotless example, will forever stand, as a protest against all unhallowed attempts to render the influence of scripture authority subservient to the purposes of injustice and oppression.

In the application now pending before you, for the admission of the territory of Arkansas into the confederacy of these United States, we observe, with deep concern, a provision in her proposed constitution which admits of, and may perpetuate slavery. Against the admission of said state, with such provisions, we respectfully yet earnestly remonstrate.

If we, as a nation, act in accordance with the principles of justice, then may we confidently hope that divine mercy will be spread as a mantle over our land.

Believing that righteousness alone exalteth a nation we most earnestly desire, that you may be directed in your deliberations by that wisdom which is from above.

Signed by direction, and on behalf of the yearly meeting.

JOSEPH PARRISH, *clerk of the men's meeting.*
LUCRETIA MOTT, *clerk of the women's meeting*

MR. MADISON.

University of Virginia, June 29, 1836.

At a meeting of the faculty, professor Tucker offered the following preamble and resolutions, which were unanimously adopted:

The faculty of the university of Virginia having this day learned the death of JAMES MADISON, formerly president of the United States, and late rector of this institution, would not do justice to their feelings if they did not record their profound sense of his exalted worth, of those talents and public services which made him the pride and ornament of his country, and of those mild virtues which proved an unfailing source of happiness to all around him.

On the services of this illustrious man it is unnecessary to dwell; for what American does not know the parts which James Madison acted in the public councils of his country? And what Virginian needs to be reminded of the unrivalled force of his tongue and his pen in defending her most cherished principles? These monuments of his political wisdom must endure as long as the love of country or of freedom shall find a place in their hearts. But at this moment, when his mortal career has just terminated, our minds are irresistibly drawn from the glory of the orator and statesman to the merits of the man—to that perennial cheerfulness which age could not dim, and not even disease could overcloud—to that delicacy and suavity, and kindness, which would still have made him one of the most amiable of men. Though his matchless powers of conversation had not made him also one of the most brilliant, our memories must always fondly dwell on the pure delight we have experienced in his society, and we can now only mingle our heartfelt regrets with those of his afflicted widow. In obedience to these feelings, therefore,

Resolved, That the faculty of the university of Virginia, in testimony of their respect for the memory of James Madison, former president of the United States, will wear crape on the left arm for two months.

Resolved, That a copy of this preamble and resolutions be sent to Mrs. Madison, as a feeble expression of their sincere and respectful condolence.

J. A. G. DAVIS, *chairman of the faculty.*
ALFRED T. MAGILL, *secretary.*

We have heard of but few particulars of the closing scene. Though reduced to the last degree of weakness, his mind continued unimpaired until within a few hours of his decease. We have seen a letter which he dictated, signed and franked, on Monday evening, the 27th, some 12 or 15 hours before his death. It has all the marks of his style, modesty and benevolence. The signature is somewhat confused and blotted, though legible—indicating a hand tremulous from debility. It is certainly the very last time he had a pen in his hand.

We understand that he left, ready for press, to which it will be forthwith given, a report of the proceedings of the convention which formed the federal constitution, taken at the time with notes, &c.—and a compendious history of the events which led to the call of that convention. The work will make two large octavo volumes, and be published simultaneously in this country and in England. It is hazarding little to say that no work of greater interest and importance ever issued from the American press. His correspondence and other writings will be published, from time to time, and will constitute a mass of the most valuable political literature in the language.

He left—with the exception of legacies to the amount of $13,000, including one of $1,500 to the university, and another of $4,000 to the colonization society—the whole of his estate to Mrs. Madison, who is constituted sole executrix.

[*Fredericksburg Arena.*

The brief but eloquent and touching address of Mr. Adams, on Thursday afternoon, the 30th ult. elicited by the news of the decease of the illustrious MADISON, not less affecting in its manner than in its substance, produced a deep impression on the house of representatives. Few who heard it were not affected by it; and down the cheek of more than one manly face the glistening tear was seen coursing its way. It was a tribute due to departed excellence, innate worth and unsurpassed private virtues.

We hope to be able, at no distant day, to offer to our readers a proper notice of the public life and character of Mr. MADISON. Meanwhile, we have thought that it would afford a melancholy gratification to them to peruse the following account of the state of his health and mind about a week before his death, extracted from a letter from one of his friends and neighbors, to a friend in this city:

"*Orange*, (*Va.*) *June* 20, 1836.

"The health of Mr. MADISON is somewhat improved, though his debility continues. A simple contrivance, carrying him on his couch from his bed to his sitting-room, and back in the same manner, relieves him from the fatigue of walking. To this avoidance of physical exertion, which is attended to on all occasions, rather than to any removal of the cause which create the inconvenience in its use, may be ascribed his slight apparent *improvement*. Mental fatigue and agitation seem equally injurious in their effects on his system, and require equal precautions against them. Reclining in a posture best adapted to free respiration, he shuns, as far as he may, the uneasiness and irritation of his infirm frame, and dictates, as far as his strength permits, on subjects as require his attention; hears some of us read to him, or converses with those around him. In no respect is a difference of aspect presented by his mind. In his views on important subjects, the same soundness, clearness, vigor, and felicity of expression now prevail that have ever distinguished his compositions; and the same richness and playfulness of imagination, the same draughts from the stores of memory, continue their zest to the latter. It is true that, in dictating, his weakness feels the weight of holding up his memory, and comparing the links already forged with those to be united to complete the chain of reasoning; and, although this awkwardness is felt in health also, in sickness it causes some hurtful irritation. The influx of company, and the excitement from too prolonged conversations, have seemed to me inevitable evils attendant on all his attacks of indisposition; and the present one has not been an exception. He is certainly very much reduced, attenuated to a degree beyond any thing you have witnessed in him; but, such has been the elasticity of his constitution heretofore, in recovering from the pressure of illness, that I still hope for a partial renovation, though his age precludes the expectation of an extended enjoyment of his presence here."

EDWARD LIVINGSTON.

Extract from a record of the proceedings of the grand chapter of royal arch masons for the state of Maryland, at its annual meeting held in the city of Baltimore, June 20th, 1836.

The M. E. grand high priest having communicated to the grand chapter, in an eloquent and pathetic manner, the loss which masonry had sustained in the demise of the general grand high priest, the estimable EDWARD LIVINGSTON—

On motion of comp. Gilman, it was

Resolved, That a committee of three be appointed to report a suitable notice of this bereavement, whereupon companions Charles Gilman, Samuel Keerl, and Thomas W. Hall, were appointed, who reported as follows:

The committee to whom was referred the subject of an appropriate notice of our bereavement in the death of the M. E. companion EDWARD LIVINGSTON, general grand high priest of the G. G. chapter of the United States, ask leave to report:

That in the death of Edward Livingston the great family of mankind has sustained a calamity of no ordinary character; and that although ripe in years, and in full fruition of that reward bestowed upon a long life of usefulness by the gratitude of the good and virtuous of his fellow citizens, we cannot but feel that he has been called too soon from amongst us—too early translated to that rest prepared for those whose virtues here entitle them to a place of perennial bliss hereafter.

In him were united exalted genius, profound acquirements, and untiring industry. To ameliorate the condition of his fellow man, to guide and direct him in the paths best suited to his condition and wants was ever the first, the last, and the chief object of his life. What his virtuous mind conceived, his hand was ever ready to execute; and no difficulty or danger was sufficient to divert him from his object. As a patriot his character stands forth conspicuous with that of the firmest and proudest of America's favorite sons—as a civilian, he was profound and unrivalled—as a diplomatist, perspicuous and unyielding in his country's cause. In the science of jurisprudence his eagle eye saw the insufficiency, the misery and barbarity of principles handed down from the darker ages, and his pen pointed to the remedy. Under his guidance the prison house became what it ever ought to be, "a school of reform," and his code of laws may well be said to be the basis of a system by which instruction is promoted, crimes are diminished, and the sum of human happiness increased.

His mind was a store-house of varied, enlightened and useful knowledge, and his ready genius directed the proper time for energetic action. It is not with him as with many distinguished individuals, destined to be great in a single capacity

only; for whether in the halls of legislation, the judicial tribunals, the cabinet councils of the nation, or at the courts of the potentates of Europe, his character has alike shone forth as a star of the first magnitude; and ages yet unborn shall hail the name of LIVINGSTON as that of a benefactor of mankind.

Such was Edward Livingston—the statesman, the scholar, the philanthropist—our companion and brother. But not such only do we deplore him. It is in another and more intimate relationship that this grand chapter, in common with the great masonic fraternity, lament his loss. At a time when darkness and doubt hung over the future prospects of masonry *in certain parts of our country.* When proscription and persecution went forth at noon day against all who dared vindicate his own or his brother's rights, when the evil passions of man, guided and directed by others, high in power and influence, for the worst of purposes, were exerted against the members of this institution, then it was that he came forward, in the strength of his own character, supported by the integrity of the cause, boldly and fearlessly breasted the torrent of wild fanaticism, took upon himself the highest and most responsible office of the order, and by his dignity and firmness put to silence the clamor of his assailers. To the last period of his earthly existence he never wavered in his attachment to the institution, but by his countenance and support gave evidence to the world that its tenets are founded upon the immutable principles of benevolence, truth and justice.

Impressed with these considerations, and as a memorial of respect for departed worth, the members of this grand chapter have caused this brief expression of their feeling to be spread upon their records, that future generations may know how sensensible we, its present members, are of the magnitude of our loss, and how deeply his virtues remain engraven upon our hearts.

Which report was unanimously adopted and ordered to be published.

On motion,

Resolved, That the first four grand officers be a committee to forward a copy of this report, together with a letter of condolence to Mrs. Livingston, the widow of the deceased. A true copy. Attest, CHARLES GILMAN, *G. secretary.*

Baltimore, June 21, 1836.

AMERICAN INSTITUTE OF THE CITY OF N. YORK.

The ninth annual fair of this institute will be held at Niblo's garden, 576 Broadway, in October next; opening to visiters on Monday, the 17th, at one o'clock in the afternoon, and continuing at least four days.

Articles designed for preminm, must be delivered at the garden on Friday or Saturday, the 14th or 15th, previous. Those intended for exhibition merely, will be received at any time during the fair. The morning of Monday will be occupied by the managers in completing the arrangement of the articles for exhibition; and by the committees on premiums in deciding on their respective merits.

Premiums, consisting of gold and silver medals, diplomas, and other discretionary rewards, will be awarded to successful competitors—a public annunciation of which will be made in the saloon, as soon as may be after the reports of the several committees are handed in.

The accommodations of the garden and buildings, though heretofore spacious, have been enlarged and improved since the last fair, affording more and better room for showing the various articles to advantage, particularly woollen and cotton fabrics. A steam engine, suitable for operating machinery of any kind, has been erected on the premises, and the managers confidently rely on our mechanics for sufficient machines to show a "moving spectacle" of their skill and ingenuity, and to impart greater animation to the general scene.

As woollens have now become a great staple of American manufacture, and as it is very desirable that the specimens exhibited should fairly represent the actual state of this important branch of industry, the managers particularly solicit woollen manufacturers to send in samples of such goods as they are usually manufacturing, of different colors and qualities: and in awarding premiums in this department, reference will be had not only to the quality of goods and variety of colors furnished by each contributor. The same remarks will apply also to calicoes, prints, and to cotton fabrics of every kind; and specimens of goods from every printing establishment and cotton mill in the country, will be thankfully received.

Specimens of silk, from the cocoon, to the manufactured article, will merit and receive particular attention, as it is the design of this institute to aid, every way in its power, the successful introduction of this important and beautiful auxiliary to our national commerce and manufactures.

New branches of brass, iron, steel and other metallic manufactures, will also be entitled to particular consideration.

In other respects, the premiums will generally be awarded on the principles adopted at former fairs, and to which experience and public sentiment have given sanction.

The immense number of persons, not from our own immediate vicinity only, but from distant and widely remote sections, who have visited these fairs, has furnished the strongest illustration of the public estimate of their merits, and shows that they afford important and effectual facilities for spreading throughout our country a knowledge of our own resources and capacities of producing the necessaries and elegancies of life; and every succeeding year has given the most conclusive evidence of an increased and increasing emulation among competitors. The enterprise thus awakened, the inducements to competition thus created, bring with them, in their results, a tenfold reward to the artisan and inventor.

In furtherance of the leading object and design of our charter, the managers respectfully invite contributions of articles for competition from all parts of the United States, and from every department of industry, of choice specimens of American ingenuity and skill; all rare and valuable domestic productions, natural or artificial; useful labor-saving machines, implements of husbandry, and new models and machines, in all their varieties. Especially would they solicit the delicate and beautiful handiwork of females, furnishing so much attraction, and commanding so much attention at former fairs.

The managers, in the name of the institute, invite a general attendance of all who feel a gratification in witnessing and contributing to the prosperity and independence of our country, that they may see what the skillful artist and the laboring man—the true patriots of the land—are doing in the grand cause of national advancement; being fully persuaded, from the interest already manifested, and the preparations already making, far and wide, that this great and truly national display will surpass any and all which have preceded it.

MANAGERS.

T. B. Wakeman,	Ralph Lockwood,
Martin E. Thompson,	James F. Kenny,
Adoniram Chandler,	Elijah Paine,
Jonathan Amory,	Frederick A. Gay,
Dudley Marvin,	John Sampson,
Joseph Titcomb,	Edward V. Price,
Edward T. Backhouse.	Willis Hall,
Joseph Torrey,	James Van Norden,
Isaac Fryer,	James Wolcott,
William Inglis,	Samuel W. Benedict,
E. D. Plimpton,	Augustus Fleming,
Andrew Williams,	James B. Murray,
William P. Disosway,	George Bacon.

New York, June, 1836.

P. S. For any further information, address T. B. Wakeman, corresponding secretary, 187 Broadway.

Editors and publishers of newspapers and journals friendly to the objects of the institute, will confer a favor by giving the above one or more gratuitous insertions.

IS THE WHALE FISH OR FLESH?

This important question is thus summarily disposed of, in the following article in the Liverpool Mercury:—

"On the 3d of November, 1827, an immense species of the Greenland whale, (Balœna mysticetus) was found on the coast of Belgium, dead, about 12 miles distant from Ostend, by a crew of fishermen; their boat being of too small tonnage to move so enormous a mass, they hailed two other boats to their assistance and the three together towed the whale towards Ostend harbor, on entering which the warps by which it was towed, snapped, and it was cast on the sands east of the harbor, where it was dissected, and afterwards exhibited in Paris and London, I believe. Cuvier, and the professors of the Jardin des Plantes, estimated its age from 900 to 1,000 years, and one proof its great age is in the cartilages of the fingers of the *hands* or side fins, which are completely ossified, or converted into bone. The dimension, weight, &c. of this animal, were as follows:

	Feet.
Total length,	95
Breadth,	18
Length of the head,	22
Height of cranium,	4½
Length of the vertebral column,	60½
Number of ribs, 28, length	9
Length of the fins,	12½
Length of the fingers,	4½
Width of the tail,	22½
Length of ditto,	3
	lbs.
Weight when found, 249 tons, or	480,000
Weight after dissection, 35 tons, or	70,000
Quantity of oil extracted, 4,000 gallons, or	40,000
Weight of rotten flesh buried, 85 tons, or	170,000

A single glance at this stupendous skeleton, would convince any one of the vulgar error of terming the whale a fish. Upon this distinction a judicious writer observes, (vide Edinburgh Cabinet Library) speaking of cetacea, to which class of animals whales belong—"Although their home be entirely in the depth of the waters, they have several features in common with the larger quadrupeds. They belong to the Linnæan class of mamalia, or suck giving animals; they produce their young alive, their skin is smooth and without scales, their blood is warm, and their flesh tastes somewhat like coarse beef, they have a heart with two ventricles, and lungs through which they respire, and being unable to separate the air from the water, as fishes do by means of their gills, they must come to the surface in order to breathe. *It is thus by no means strictly scientific to call the whale a fish*, yet he is entirely an inhabitant of the sea, having a tail, though placed in a different position from that of other fishes, while his front limbs much more resemble fins than legs, and are solely used for pawing the deep; hence the vulgar, following a natural and descriptive classification, obstinately continue to give the name of fish to these watery monsters."

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 21—VOL. XIV.] BALTIMORE, JULY 23, 1836. [VOL. L. WHOLE No. 1,296

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

We this week publish the exposition of the Washington "Globe" which accompanied the treasury circular to the receivers of public money and the deposite banks—also a supplementary circular giving notice that receipts of the treasurer referred to in the original circular, will be granted upon payments in the treasury of gold or silver.

—

The stockholders of the Balt. and Ohio rail road have assented to the act of the legislature of Maryland passed on the 3d ult. providing for the subscription on the part of the state of three millions of dollars toward that work. And there is a strong probability that the Chesapeake and Ohio canal company will also assent to it; as it seems to be settled that a cross cut canal to the city of Baltimore by the valleys of the Monococy and Patapsco, or by a route diverging from the main canal, at the mouth of the Seneca river, &c. is not practicable—and that, consequently, the canal to this city must be constructed from some point within the District of Columbia.

A cross cut canal, from a point other than in the District, the stockholders there contend would deprive them of their rightful advantages from the main work—but the results of the surveys thus far have dissipated their fears, and they will, no doubt, accept the bill, and thus remove the last obstacle to a measure of vital consequence to the prosperity of the people of this state.

—

The funeral of the late bishop White, of Philadelphia, whose death is noticed in a subsequent page, took place on Wednesday last, and was attended by a vast concourse of citizens of every denomination. The stores were generally closed in the streets through which the procession passed, and every indication of respect manifested for the memory of one of the most pure and useful ministers that ever labored in the cause of his Master.

—

The secretary of war has left Washington for Detroit, for the purpose of making the necessary arrangements for his departure for France. His absence, it is said, will not exceed three or four weeks, during which time his place will be supplied by Mr. C. A. Harris, the recently appointed commissioner of Indian affairs.

—

Major Gates, who was recently stricken from the rolls of the army, is on his way to Washington, and will, it is said, shortly publish the evidence taken before the court of inquiry in his case. His situation has excited much sympathy in the south.

—

THE CREEK WAR, it will be seen by our accounts, has been terminated, and general Scott called to Washington. He passed through this city on Tuesday last, and is now at the seat of government. During his absence the command devolves upon major general Jesup.

The toasts on the 4th July near the scene of military operations, in the south, are many of them complimentary to gen. Scott. As an instance, the governor of the state of Georgia, being called upon for a toast, gave the following:

Major gen. Winfield Scott—The accomplished soldier, the skilful general and the polite and polished gentleman.

—

TEXAS CELEBRATION. On Monday last a dinner was given at the American Hotel, New York, to certain zealous friends of Texas, then in that city. *Samuel Swartwout*, esq. the collector of the port of New York, presided. Among the guests were col. Wm. C. Preston, a senator in congress from South Carolina, general James Hamilton, recently governor of the same state, Messrs. Peyton and Forrester, members of congress from Tennessee, col. Lewis and major Norton, Texian commissioners, &c. &c. The first toast drunk was complimentary to Mr. Preston for his advocacy of the Texian cause on the floor of the senate—to which he responded in an eloquent speech, and concluded with the following sentiment:

By col. Preston. The western and *Pacific* progress of our language and our liberty.

The N. Y. Star, in speaking of col. Preston's address, says—"A deep stillness reigned throughout this compactly crowded audience during the whole time that they were listening to, or, more properly speaking, devouring with ecstacy the silver toned and all-absorbing beauties which glittered and dazzled like the course of a meteor through the heavens before those who had the incomparable happiness to be present on this occasion!"

Speeches were also successively delivered by general Ripley, gov. Hamilton, the hon. Mr. Peyton, the hon. Mr. Forrester, col. Lewis, &c. &c.

Gen. Houston's health was drunk with great enthusiasm.

—

A letter before us, published in the New Orleans Bee, says that about nine thousand *Americans*, in all, will take the field against the Mexicans!

—

MR. RANDOLPH'S WILL. We learn from the Richmond Whig, that the general court, on the 15th inst. affirmed the validity of the various wills and codicils of John Randolph of Roanoke, running through the years intervening between 1819 and 1831. The most important feature in the testament established, is the emancipation of his slaves, now numbering about 500, and for whom he makes provision. They settle the bulk of his estate on the hon. William Leigh, judge of the general court; but he having renounced all benefit in order to qualify himself as a witness against the last will of 1832, the effect will be intestacy as to what was bequeathed to him, amounting to about $150,000, which will go to Mr. Randolph's heirs at law. Eleven judges composed the court, and all concurred in the opinions, except one. An appeal, it is said, will be taken to the court of appeals, which will set in November. Much curious testimony was elicited showing the eccentric character of the testator. We will publish the will in our next.

—

On Wednesday morning last the printing office of the American Bible society, a five story building, situated in Nassau street, New York, was discovered to be on fire, and before it could be extinguished the contents, consisting of a vast quantity of type, eighteen or nineteen power presses, an edition of the Testament in modern Greek, of a Bible in German, &c. were destroyed. The loss of Mr. Fanshaw, the owner of the office, is estimated at fifteen or twenty thousand dollars. He is insured for five thousand. The bible society owned the building, on which they had an insurance of five thousand, and an equal amount on the property within—and in both cases the insurance will cover the loss.

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THE NORTH WESTERN FRONTIER. The St. Louis Bulletin of the 4th inst. says that the difficulties with the Indians flanking our western frontier have assumed rather an alarming aspect. Information had been received at St. Louis by the last mail that an engagement had recently taken place in Carroll county, on the waters of Grand river, between a company of bee hunters, five in number, and a party of Indians, consisting of twenty armed warriors. The Indians attacked the white men without parley or apparent provocation, and killed two of them. One of the Indians was killed, and one or two supposed to be severely wounded.

The superintendant of Indian affairs was taking measures to arrest the Indians concerned in this unprovoked violation of treaties.

THE CHEROKEES. The Savannah Georgian states that a council of this tribe was held at Coosawattee, Murray county, (Geo.) on the 15th ult. at which Indians of both the Ridge and Ross, or treaty and no treaty parties, attended. A committee of 12 on the part of the Cherokees was appointed to meet a committee of the citizens of that county. At this conference the Cherokees stated through their committee, that no hostile movement whatever is contemplated by them, and hope that the difficulties which have grown up between the two parties of the nation, known as the treaty and anti-treaty parties, may be settled in a manner satisfactory to both, and that peace and good feeling will be restored.

—

TONNAGE OF THE UNITED STATES. According to the official reports lately published, the number of American vessels which entered the ports of the United States, from foreign ports was, during the year ending Sept. 30, 1835, 7,023, amounting to 1,352,653 tons. The number of vessels cleared for foreign ports was 7,285, amounting to 1,400,517 tons. This statement includes the repeated clearances of the respective vessels, when they made more than one voyage, and of course shows not the number of vessels employed in the foreign trade, but the number of foreign voyages made by American vessels.

The abstract of the tonnage of the United States, registered or enrolled in the several districts of the United States, shows the amount of tonnage owned in each district and port, on the 31st of December, 1834. This statement shows an aggregate of 857,438 tons registered, and 901,468 tons enrolled and licensed tonnage. Massachusetts continues to be the greatest owner of registered tonnage, but New York has a small excess of enrolled and licensed, viz: in Massachusetts 207,000 tons registered, and 166,000 enrolled and licensed; state of New York, 186,000 tons registered, and 193,000 enrolled and licensed. New York city, total tonnage 359,222, Boston 212,536, New Bedford 74,947, Salem 35,315, Barnstable 34,818, Nantucket 30,727, Plymouth 23,605, Newburyport 23,302, Gloucester 15,547, Portland 57,418, Bath 47,656, Providence 20,323, New London 31,499, Philadelphia 83,520, Baltimore 59,870, Charleston, S. C. 13,759, New Orleans 74,741. The amount built, registered, enrolled and licensed in the year 1834, was 118,330 tons, viz: 98 ships, 94 brigs, 497 schooners, 180 sloops and 88 steamboats; of these, 23 ships, 29 brigs, 115 schooners and 9 sloops were built in Massachusetts.

[*Boston Daily Adv.*

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GOLD. The ship Fomosa, arrived at New York on Sunday last from Havre, having on board $600,000, being part of the French indemnity.

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TEA. Comparative statement of the export of tea from Canton to the United States during the seasons 1833–34, 1834–35 and 1835–36, from the first July, 1835, to 24th March, 1836, including Champlain's cargo:

	1833–34	1834–35	1835–36
Bohea	1,445	779	796
Souchong	52,278	35,245	49,708
Pouchong	9,181	5,733	3,811
Pecco & orange P.	2,192	1,030	2,434
Total black	65,096	42,787	56,749
Young hyson	86,115	76,557	55,443
Hyson	23,787	16,509	10,572
Skin and Tonkay	34,368	16,982	20,458
Gunpowder	10,154	7,335	5,402
Imperial	9,424	7,736	5,380
Total green	163,848	125,119	97,255
Grand total chs.	228,944	167,906	154,004

—

COMMERCE AND REVENUE OF BOSTON. The number of arrivals from foreign ports, from Jan. 1, to June 30, 1836, was 629—during the corresponding time of the last year, 539—increase, 90.

The number of clearances to foreign ports, from Jan. 1, to June 30, 1836, was 561—during the same time of the last year, 533—increase, 28.

Revenue.

First quarter, 1835	$582,731 29
Second do. do.	1,086,432 73
	$1,669,164 02
First quarter, 1836	$1,023,824 84
Second do. do. estimated at	1,093,716 00
	$2,117,541 84
Increase	$448,377 82

[*Post.*

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COBBETT. A speculation is on foot in England to raise money by subscription for the erection of a monument to the late *William Cobbett*, M. P. The secretary made an application by letter to sir F. Burdett, and announced that a public meeting on this head would be held on June 13, at the crown and anchor tavern, with *O'Connell* in the chair. This application drew the following keen reply from sir Francis:

"*Leamington, June* 1, 1836.

"*Sir:* A letter from you, dated the 16th of May, having followed me here, I lose not a moment in returning, according to request, an answer.

"You invite me to a meeting to be held on the 13th of the month, at the Crown and Anchor, at which Mr. D. O'Connell is to preside, for the purpose of raising a subscription for a monument to be erected to the memory of the late Mr. Cobbett. The application is unique, as the French say, seeing that whoever attends that meeting becomes a public voucher for the honesty, disinterestedness and patriotism of the said Mr. Cobbett. Now, as I believe, or, rather, know the reverse, and as all the world knows my opinion and experience thereon, it would be something worse than foolish in me to attend such a meeting, and I can only wonder at the application. At the same time, I cannot but acknowledge that the united empire could not furnish *a more appropriate chairman.* Nor can I offer to the committee any contribution more appropriate than Mr. Cobbett's bonds now in my possession, which, as considerably more than fourteen years have elapsed since the money was lent, will amount to considerably more than £8,000. I trust the committee will think this a handsome and suitable offer.

"I remain, gentlemen, your most obedient servant,

"F. BURDETT."

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THE UNITED STATES AND VENEZUELA. The Globe of the 14th inst. contains a copy, (in English and Spanish), of a treaty of peace, friendship, navigation and commerce, between the United States of America and the republic of Venezuela, concluded and signed at Caracas, on the 20th January, 1836, by *John G. A. Williamson*, on behalf of the former, and *Santos Michelena*, on the part of the latter; the ratifications of which treaty were exchanged at Caracas on the 31st day of May, 1836.

The following is among the articles of the treaty, and is evidently intended to guard against a state of things which it was feared might occur in our recent disagreement with France.

"If (what indeed cannot be expected) unfortunately any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that *neither of the contracting parties will order or authorize any act of reprisal*, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed."

—

DUTY ON BLANKETS. The editor of the Savannah Georgian has recived from the collector of that port the following information in relation to the duty on blankets.

By a decision of the acting comptroller of the treasury, of 2d July, 1836, blankets measuring 38 by 58 inches, from their size, and being alleged to be much used in the berths of steamboats, particularly to the southward, are entitled to an entry at 5 per cent. the cost being less than 75 cents.

A crazy man named Samuel Bridge, from Philadelphia, arrived in Washington last week, and with all dignity drove up to the president's house, alighted, walked in, and demanded possession. Subsequently, he called upon the secretary of the treasury for the keys, and then proceeded to the house of the secretary of the senate, for the purpose of making arrangements for calling an extra session of the senate! He says it is the wish of the people of Philadelphia that he should assume the duties of president of the United States. He was taken up and committed for safe keeping. *Alex. Gaz.*

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A French frigate. The French frigate *Artemise*, attached to admiral Mackau's squadron, now on the West India station, arrived at New York a short time since, and has been highly extolled for the beauty of her architecture and the admirable style of her equipments. The editor of the New York American, who recently visited her, says, that in her construction strength and efficiency are combined with the utmost attainable degree of comfort for the officers and crew. The greatest cleanliness was observable, both in all that concerned the ship and her armament, and in the persons of the sailors. The latter seemed all to be young men, about 450 in number, cheerful, hardy and dexterous. The gun deck mounting 30 long 32 pounders, presents an admirable battery. Each piece is fired by a simple and well arranged percussion lock, an improvement which, for some inconceivable reason, remains yet to be introduced into our navy.

The magazine too is arranged in a manner worthy of our imitation. The powder is all in separate water tight and air tight packages, instead of being stowed in bulk, so that, except by a general fire, no apprehension need be entertained of an explosion of the magazine, nor can the powder be damaged by wet. The store rooms, water tanks, and indeed, the general disposition of the multitudinous resources of a ship of war, appeared to us all admirably arranged.

It so happened that at the time we were on board, the work of the day was finished, and the crew were amusing themselves on the gun deck in dancing quadrilles and waltzes, in a style and with an ease of manner that, we must say, would considerably astonish our *old salts*, and that might even be imitated with advantage by some of our more pretending landsmen.

To the Chevalier *de la Place*, the commander, who had the complaisance to accompany us through his fine ship, we can very sincerely make our compliment upon the admirable order and efficiency of his noble frigate; and with the more satisfaction, as we trust and hope that the flag she bears, will long float in friendly association with our own star-spangled banner.

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Post office department. The public confidence in our mail establishment is evinced by the unexampled extension of its business, as shown by the increase of the post office revenue. The increase of the first quarter of 1836 over the corresponding quarter of 1835, was about twenty per cent. equal to more than $80,000. We annex the income of a few of the post offices for the quarters in question, viz: [*Globe.*

	1st qr. 1835.	1st qr. 1836.
Albany, N. Y.	$4,426	$5,415
Augusta, Me.	492	733
Baltimore, Md.	14,268	16,729
Bangor, Me.	1,461	2,405
Boston, Mass.	21,211	24,045
Buffalo, N. Y.	1,868	3,297
Charleston, S. C.	9,181	10,222
Cincinnati, O.	5,642	6,886
Detroit, Mich.	1,384	1,860
Elizabethtown, N. J.	219	283
Erie, Pa.	828	1,177
Evansville, Ia.	71	199
Clarksville, Te.	240	505
Cleveland, O.	1,328	1,756
Clinton, Mi.	460	664
Columbia, S. C.	1,230	1,669
Columbus, O.	1,337	1,836
Columbus, Mi.	343	714
Green Bay, Mich.	111	233
Hamilton, O.	229	335
Harrisburg, Pa.	7,364	8,671
Helena, Ark.	42	137
Indianapolis, Ia.	399	744
Jackson, Mi.	291	567
Jefferson city, Mo.	213	339
Lebanon, Pa.	122	141
Lexington, Ky.	1,480	1,776
Livingston, Ala.	89	246
Lockport, N. Y.	790	1,037
Louisville, Ky.	2,996	3,578
Lower Alton, Ill.	175	413
Macon, Ga.	1,886	2,261
Marietta, O.	156	246
Mobile, Ala.	5,958	9,524
Montgomery, Ala.	1,297	1,775
Nashville, Te.	1,645	2,078
Natchez, Mi.	1,634	2,685
Newark, N. J.	1,548	1,856
New Haven, Ct.	2,172	2,818
New Orleans, La.	15,547	19,391
New York, N. Y.	52,788	65,697
Norfolk, Va.	2,187	2,380
Philadelphia, Pa.	30,790	35,167
Pittsburgh, Pa.	4,010	4,774
Portland, Me.	1,760	2,188
Providence, R. I.	3,128	3,986
Quincy, Ill.	180	312
Raymond, Mi.	126	262
Richmond, Va.	4,827	5,972
Rochester, N. Y.	2,366	2,949
St. Augustine, F. T.	323	485
St. Louis, Mo.	2,071	2,636
Tallahassee, F. T.	633	1,024
Terre Haute, Ia.	267	379
Toledo, Mich.	97	313
Trenton, N. J.	416	643
Troy, N. Y.	2,170	2,697
Tuscaloosa, Ala.	684	827
Tuscumbia, Ala.	420	527
Union Town, Pa.	204	335
Vicksburgh, Mi.	671	1,332
Vincennes, Ia.	336	540
Wheeling, Va.	1,436	1,751
Winchester, Te.	129	442
Woodville, Mi.	365	502
Worcester, Ms.	612	750

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Go-a-head! Go-a-head is the very expressive Jonathanism frequently in every man's mouth throughout the states; and therein Jonathan shows himself a worthy chip of the old block, a thriving offshoot of "the old country"—once sober, plodding, old England; but in which, of late years, every man is always trying to *go-a-head* of his fellows, and "*de'il tak the hindmost!*" is the cry from one end of the kingdom to the other. Time was when your nobleman travelled in his own carriage, drawn by his own fat cattle, and attended by his own fat out-riders, in goodly cavalcade, progressing at the jog trot of some twenty or thirty miles per day, one stage before dinner, and one stage after dinner, and taking their repose o'nights in comfortable inns by the way side—the cattle up to their bellies in clean wheaten straw, and the men over head and ears in sheets that smelt of lavender. Merchants and men of trade, and men and women of every grade, followed their staid example whenever by chance either pleasure or business moved them to move from one place to another; and thus every thing went on slowly, but surely; and the treasures of the wealthy were duly spread among the people, even as the careful farmer spreadeth his manure about his fields. But now, your nobleman leapeth into his chariot, and with one solitary fellow in his dickey, and four spur-galled, lean, and lash-maddened posters before him, he scoureth over a hundred miles of road like a whirlwind. His orders are "go-a-head of every thing!" and away he whirls from London to the Landsend, leaving nothing behind him but clouds of dust, a trifle of horse hire and the profits upon *one hard biscuit* and *a bottle of soda water!* Merchants and men of trade; tailors and tinmen, clodpoles and costermongers, lawyers and lollypoppers, all imitate his *lordable* velocity; from the peer to the peasant, the universal cry is, go-a-head! while *seedy* innkeepers, by the way side, sigh after them in vain. On our downs, hundreds of thousands of pounds (as the Weekly Despatch observes) are daily gambled away on the interesting problem of which horse among a "rack" can first be induced, by lash and steel, to poke his nose past some particular post; while myriads of men and women, in all the pomp, pride, and circumstance of glorious "intellectuality," jump and gesticulate like excited lunatics, and split each other's ears with shrieking "go-a-head!" Nobles and gentles, soldiers and civilians make matches, and mammonize upon the capabilities of "favorite" horses; and then become *jockies* for the nonce, and ride their favorites to death in their burning desire to "go-a-head!" while other horses are ridden to death in conveying the important result to some evening newspaper, which builds its little fame merely on its consumption of horse-flesh, and its desire to "go-a-head!" In the metropolis swarms of cabs and omnibusses rush along the crowded streets, unmindful of the lives of the liege in their way, and reckless of every thing but how to give every body the go-by, and "go-a-head!" In short; every man, woman and child has, some how or other, acquired the bump of *scamperaboutiveness;* the age of horse-flesh has got ahead of the age of intellect; the age of horse-flesh will speedily give place to the age of railways; and, by and by, the whole country, from Duncansby Head to Lizard Point, will be one interminable whirl of locomotion, or, rather, *low commotion*, and

the only sound distinguishable above the whiz, whirl and din of machinery, will be, "go-a-head, and de'il tak the hindmost."
[*Late English journal.*

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FLORIDA ORANGES. It is known to every one, that during the severe frost of the winter previous to the last, every orange grove in Florida was destroyed. It was believed by the orange growers in the city of St. Augustine alone, that a receipt of two millions of dollars would be the result of the crop of that city. A week previous to the frost which terminated so fatally, a gentleman purchased 4,000 young trees at ten cents each, for the purpose of removal and transplanting in a distant city. These were placed in mats and preserved, and are believed to be the only living ones in the territory. The purchaser, Mr. Butler, for his disbursement, $400, was offered $6,000, which was declined. This gentlemen is since dead. Some of the trees have been since purchased, again removed to St. Augustine, and will probably in a few years become prolific.

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The Buffalo papers state that, on the 30th ultimo, two men in a boat went over the Niagara Falls. It is not known who they were, but they were seen a considerable distance above the falls, and exertions were made to save them, which were twice nearly successful. But they finally passed the point of hope, and were carried on to eternity amidst the roar and rush of waters. They were seen, and answered to the waving of hats, just as they made the fatal descent into the abyss below, and into another world.

—

A little girl about 8 years of age, daughter of Herman Thorn, late of Paris, accidentally fell from the precipice at Trenton Falls, on Friday the 15th inst. and was drowned.

THE CREEK WAR.

On the 5th of July, gen. Scott and staff returned to Columbus. The next day, gen. Sanford and staff, and a part of the army of Georgia, returned also, all in excellent health, and encamped in the vicinity of Columbus. The army had scoured the swamps, searching for the enemy, but without success. The army was to be disbanded and paid off at Columbus, as soon as the rolls could be made out, except a sufficient force to overawe the Indians.

The governor of Alabama has refused to give up Jim Henry to the executive of Georgia. The reason for the refusal is, that Jim Henry is a citizen of Alabama, and that he must be tried first by the laws of that state. However, nine Indians, among them the notorious Dave Hardridge, are in jail in Columbus, and will be tried by the laws of Georgia.

With regard to the Indians escaping to Florida, we copy the following information from the Columbus Sentinel of last Friday week:—

We have at length received some definite information from cols. Beall and Holmes, who were in pursuit of the runaway Indians. Gen. Scott received this morning (Wednesday) an express from colonel Beall, a copy of which we have obtained, and publish for the information of the public. Gen. Scott has ordered immediately to the scene of action, the Columbus guards, under capt. Urquhart, Cadet riflemen, capt. Evans. The artillery, capt. Lawhon, and by the earnest solicitation of the Muscogee blues, major Hoxie, who has the command of the whole, has consented to let them have a chance in the expedition. They have left on board the steamers Matamora and Reindeer. Easter Chatta's, look out.

Head quarters, near Chickasahatchee swamp, Baker co. Ga.

SIR: In obedience to "orders," I have pursued the Indians to this place, where I find them encompassed in a swamp, said to be 25 miles long, and varying from one to four in width. At 12 o'clock, A. M. the 1st inst. I learned that the Indians were encamped within four miles of this place, but was unable to reach them short of sixteen miles march.

On yesterday about 10 o'clock, A. M. I made an attack upon the enemy, succeeded in driving them from their camp, with the loss of nine that were left dead, and from the signs of blood, I suppose 20 or 30 killed and wounded. The Indians fled precipitately in every direction, but I was unable to pursue them in consequence of the denseness of the bushes through which they retreated, the exhaustion of our men, and the state of our wounded, having seven of them, and two I fear mortally. I think there is no doubt that the Indians are still in the swamp, and from the most intelligent persons here, I am induced to believe they design remaining. We need one hundred friendly Indians, commanded by Paddy Carr, to pursue the Indians and ferret them out, and shall be gratified to receive them as early as practicable. In consequence of the incessant rains, we have had, and having fought in water, we need 3,000 cartridges. In the mean time, I may take the liberty of saying, that the expedition will be brought to a close, and as soon as it is, a full report will be made as early as practicable.

(Signed) THOMAS BEALL,
col. com. 1st brig. mounted volunteers.

To major gen. Winfield Scott.

Extract of a letter received in Augusta, dated Macon, 8th July, 1836.

"The war is over—the Creeks all to about eighty taken, and those surrounded in a swamp, by 900 volunteers. The regular troops will remain on the frontier during the summer."

Post office, Columbus, (Geo.) July 8th, 1836.

DEAR SIR: The enclosed slip is cut from the Columbus Sentinel of this instant. Will you be pleased to give publicity to the information it contains.

Perhaps it would be as well not to send any of the Alabama mails this way for a few days, and until I again write you.
Yours, &c. JAMES VAN NESS.

P. M. Augusta, Geo.

Head quarters, army of the south, Fort Mitchell, July 2d, 1836.

SIR: I am directed by major general Scott to inform you, that major general Jesup will, under his direction, establish, in a few days, two military posts on the post route between Columbus and Tuskeegee. Very respectfully your obedient servant,
THOMAS J. LEE,
lieut. 4th U. S. art. aid-de-camp.

To the post master at Columbus, Georgia.

It will be perceived by a perusal of the above letter of gen. Scott, that the mail communication between Columbus and Montgomery will be re-established in a few days. We learn verbally from the postmaster here that, by the direction of gen. Scott, two small battalions of regular troops will move this day from Fort Mitchell, and take position on the post route. One battalion will establish itself at Caswell's or McClellan's, fifteen miles this side of Tuskeegee, and the other at Adams' or Elliott's, twelve miles from Columbus. After the posts are established the troops, or a portion of them, will be kept constantly moving between the posts, in order to arrest any straggling Indians who may be found upon or near the road, and also to inspire confidence as to the perfect safety of passing the road. In addition, capt. Garmany's company of mounted infantry left Columbus yesterday morning for Tuskeegee, by the mail route, in order to open the way, as it is some time since the road has been passed over, and will return this day. A mail wagon, with a mail, will be despatched in company with the mounted infantry, and the mail will be continued to be transported regularly thereafter, although it may not be conveyed oftener than tri-weekly for the first week or ten days after the line goes into operation, owing to the loss of stock, and the bad condition of the road.

To all which the National Intelligencer of Monday adds—

We learn that major general Scott and his staff returned to Columbus, in Georgia, on Tuesday, and the next day major general Sanford, of the militia, with a part of the Georgia troops. The Indians—(those who were friendly or who had been captured), were departing on their journey of migration westward, and the troops were to be paid off and discharged.

From Fort Mitchell, on the Saturday preceeding, the contractors for the removal of the Creeks had started sixteen hundred Indians, men, woman and children, for Arkansas. "The hostile warriors, hand-cuffed, marched in double file—a long train of wagons conveying the children, and such of the old women as were unable to walk, followed in their wake."

—

Head quarters, army of the south, Columbus, Geo. July 6, 1836.

SIR: I came up from Fort Mitchell last evening on business with his excellency gov. Schley, and shall return this evening.

I have had no report from maj. gen. Jesup since he left Fort Mitchell to join the Alabamians, 22 miles west, on the 3d inst.

By a letter just received from colonel Beall, I learn that he has the party of Indians he was sent in pursuit of shut up in a large swamp, in Baker county, about 110 miles below this, and a little south east of Fort Gaines. He has had several affairs with that party, killed nine and wounded many more. The swamp being long and deep, he has called for reinforcements, and I am in the act of sending off, in two steamboats, which will probably ascend the Flint river some twenty or forty miles, about 160 foot volunteers, and forty friendly Indians, to him. The Indians in the swamp, who may amount to about 150 warriors, are supposed to have with them not only nearly all the Creek slaves, but most of the blacks taken in the war from our people.

I think it impossible for the hostile fugitives to escape. Below the swamp, towards Florida, there is a wide tract of open fine wood country, and colonel Beall will have, by to-night, about 400 volunteer horse with him, besides many individuals, volunteers, of Baker county.

I send copies of letters addressed by me to brigadier general Moore and lieutenant Johnson of the navy. It seems, however, that I have not brought with me the copy of my communication to brigadier general Wool, which was despatched from this place yesterday morning.

In that letter I gave him a statement of affairs in this quarter, and said that I should probably be able to send him, if needed, the detachment of United States marines and some companies (belonging to the upper country of Georgia and Alabama) of volunteers.

I have no report from the parties of horse ordered to pursue the sixteen hostile Creeks, who got across the Chattahoochee on the 3d instant, eighteen miles below this. This party of fugitives cannot escape. In haste, I remain, with great respect, your most obedient servant,
(Signed) WINFIELD SCOTT.

Brigadier general Jones adjutant gen. U. States army.

ORDERS—NO. 28.

Head quarters, army of the south, Columbus, Geo. July 6, 1836.

The second regiment of Georgia foot volunteers, under col. Williamson, will be immediately mustered for an honorable discharge from the service of the United States, by the acting inspector general of the army, major Ansart. The companies will be paid off in succession as fast as mustered, or as fast as practicable, by paymaster major Randall.

The officers of every grade will lend such assistance, in writing, to majors Ansart and Randall, as will facilitate the discharge and payment.

The commanding general hopes to be able, in a few days, to discharge the other regiments of volunteer infantry of the Georgia line, and at a period a little later to begin the discharge of the mounted troops. But he can give no pledge to that effect, and he is sure that no patriotic Georgian will murmur at any little delay which may be dictated by the high considerations of public safety and public good.

Paymaster major Muhlenberg will report himself to major general Jesup for duty in the pay department.

Col. Williamson's regiment will upon being discharged, turn over to the United States quartermaster and United States ordinance officer all the public property in its possession.

By order of major general Scott.

(Signed) FELIX ANSART, *acting inspector general.*

ORDERS—NO. 29.

Head quarters, army of the south, Columbus, Geo. July 7, 1836.

Major general Scott has been called to Washington, and the command of this army devolves, from the publication of this order, on major general Jesup, to whom, in future, all reports and applications will be made.

The Creek war, though yet to be wound up, may be considered as virtually over. Two parties of the hostile Indians, which have escaped to this side of the Chattahoochee, are now hotly pursued. The larger of those parties is shut up in a swamp, and from the strength of col. Beall's detachment, that under capt. Jernigans, and the reinforcement sent hence, under major Hoxie, a capture of the whole body of the fugitives seems to be inevitable. The other hostile party will, probably, from the measures in operation, share the same fate. In the late Creek country the number of the enemy to be captured or forced to surrender, is considered quite inconsiderable. Major general Scott regrets that, from the suddenness of his separation from the army, the opportunity is lost to him of doing that full justice to all the corps he has had the honor to command, which their patriotism, zeal and gallantry claim at his hands, and indeed from the highest sources— the government and country.

To his excellency, the governor of Georgia, who has remained on the frontier in order to lend himself in every way powerfully to the prosecution of the war, the particular thanks of major general Scott are due. Before the Georgia line could be mustered into the service of the United States, his excellency had made dispositions of his armed troops, not only to protect his own frontier, but to prevent the escape of the enemy in the direction of Florida. This was the great danger to be guarded against, and all that zeal and ability could effect on his part, has been put in practice and accomplished. It is hoped that this slight acknowledgment, made to the chief magistrate of a powerful and patriotic state, may not be deemed impertinent because coming from a military functionary of the United States. It is eminently deserved. Of the Georgia line, which has constantly acted under the immediate observation of major general Scott, he will ever be happy to speak in terms of the highest approbation. That line has, under its immediate and able commander, major general Sanford, throughout evinced the best dispositions—a readiness to obey orders, to march against the enemy, and to win honor for itself, for Georgia and the union. The greater part of it, for a long time, was held, inactive for the want of arms, which, by a series of strange incidents, failed to arrive, while other portions of the same line, in positions on the river, had frequent and severe combats with the enemy. In these, if the Georgian detachments were not always successful, they at least were ready to oppose an obstinate resistance to superior numbers. Captains Garmany, Jernigan, Ball and Fluellan, with their companies, won for themselves much distinction on those occasions, whilst captains Dawson and Pearson, cruizing with their companies on board steamboats, rendered highly valuable services. Capt. Dawson, on several occasions, displayed the greatest judgment and intrepidity in marching to the relief of the fixed posts, and landing in the presence of the enemy, in order to destroy his means of passing the river.

Of the Alabama line, with the exception of brigadier general Moore's brigade, major general Scott cannot speak either from his own observation, or on a direct correspondence. Major gen. Jesup, himself an able commander and a competent judge, in his reports speaks highly of major general Patterson and his division, and it is directly known that brigadier gen. Moore, placed on the lower line of operations, has, acting almost independently, made able dispositions of his brigade, and has captured more than two hundred prisoners.

To the regular troops, including the United States marines, the usual praise is due; they have exhibited steadiness, discipline and an eager desire to come in contact with the enemy. Although disappointed in that favorite wish, they have, in all other respects, rendered themselves highly useful.

It is known that the friendly Indians, acting as auxiliarie under general Woodward and others, have rendered valuable services. To them, a great number of the captures and voluntary surrenders are to be attributed.

With his temporary staff—colonel Kenan, volunteer aid-de-camp; major Ansart, acting inspector general, and lieutenants T. J. Lee and Betts, aids-de-camp; also surgeon, Dr. Lawson, medical director of the army, major general Scott cannot take leave without expressing his hearty thanks for the zeal, ability and courtesy which each has displayed in the performance of his particular duties.

Major Ansart, 3d art. having tendered the resignation of his commission, which will be forwarded to Washington, he has permission to repair to that place after having performed the special duties in which he is now engaged, and await the decision of the government.

Colonel Kenan, duly mustered into the service of the United States on the 1st ultimo, is hereby discharged with honor and thanks from that service.

Lieut. T. J. Lee, at the expiration of a week, and lieutenant Betts, at the expiration of a month, will join their respective companies for duty.

Surgeon Lawson will report by letter to major general Jesup.

WINFIELD SCOTT.

FROM FLORIDA.

By the steam packet John Stoney, captain Freeland, arrived yesterday afternoon from Gary's Ferry, Black creek, we learn that captain Merchant, the commanding officer at Gary's Ferry, (which post captain Merchant named on the 4th instant, Fort Heileman, after the lamented colonel Heileman), had received orders from major Kirby to proceed to Fort Drane and break up that post, agreeably to instructions from gov. Call.—Capt. M. was to leave Fort Heileman on the 13th (yesterday) with the company under his command, and a detachment of capt. Curry's mounted (Florida) volunteers, with a provision train, and expected to remove the officers and men to the nearest healthy spot, contiguous to Fort Drane, (probably to Micanopy, where capt. Lee is at present in command).

The James Boatwright, with the three companies of United States troops from the north, Via Charleston, was at Jacksonville on Monday night last, on her way to Gary's Ferry. No Indians had been seen for some time in the vicinity of the St. Johns. Two Indians, part of a small party which lieut. Tyner, (of captain Ward's company of Florida volunteers) fell in with between Newnansville and Suwannee, Old Town, on the 4th inst. were killed by lieut. T's party—the others escaped. We are indebted to a young friend for the following copy of an order, recently issued by gov. Call. [*Savannah Georgian.*

GENERAL ORDERS.

Tallahassee, July 4, 1836. The commander-in-chief, with deep regret, announces to the troops stationed in Florida, the death of major J. F. Heileman, late commanding officer of Fort Drane. The loss of this valuable officer will be severely experienced by the whole army. In consequence of the unhealthiness of Fort Drane, and the recommendation of the surgeon and other officers that it be immediately abandoned, the senior officer now stationed in East Florida, will repair without delay to that post and assume the command. Should the ill health of the garrison continue in its present distressing condition, and a removal be absolutely necessary, he will cause a reconnoissance to be made of the neighboring country, with a view of selecting a more favorable position, to which the garrison and public stores may be removed. From the difficulty of removing the large amount of public property at that place, it is important that the nearest position promising good health should be selected. The garrison of Fort Drane, enfeebled by disease, may not be able in its present condition, to change its position and erect another fortification without great hazard both from fatigue and exposure, as well as from the attacks of the enemy. Should the commanding officer entertain this opinion, he will cause a sufficient reinforcement to be drawn from St. Augustine and other posts from which troops may be spared, to enable him to effect this change in his position with safety to the garrison and the public stores. In the performance of this duty, the commanding officer will exercise a sound discretion, bearing in mind at the same time, that this removal must take place in the presence of an active and watchful enemy, ever ready to avail himself of any want of vigilance on our part. The new position which may be assumed will be only temporary, and intended to promote the health of the garrison. Preparations are now making for an expedition into the enemy's country; and so soon as they shall have been completed the regular troops, except a small garrison at each post, will be concentrated at a point hereafter to be designated—when they will be joined by 1,200 Tennessee volunteers, and the forces of this territory. It is expected that the expedition will be ready to move early in August. From the report of the strength of the garrison of Fort Drane it appears there is but one captain and six lieutenants present, while there are four captains and sixteen subalterns absent. Four of the officers present are on the sick report, leaving but three to perform the arduous and responsible duties of the post. If any of the officers belonging to this station are within the territory, and the services in which they are engaged can be dispensed with, they will be ordered to join their respective commands without delay.

If they are abroad, the commanding officer is requested to state whether they are on furlough or special duty, that the pro-

per measures may be taken to procure their attendance. If the services of lieut. Clark, the assistant quartermaster at Fort Drane, can be dispensed with, the commanding officer, ——, will order him to Black Creek to take charge of the public property at that place.

(Signed) R. K. CALL,
commanding the troops in Florida.

The last Charleston Courier contains the following additional particulars.

"*St. Augustine, July* 8. We have heard but little of the Indians since their attack on Micanopy. An express arrived here on Wednesday last, from Fort Drane, which brings us the intelligence up to the 5th instant. An officer of the army writes to a friend here, that colonel Warren with 50 mounted men, surprised six Indians at captain Priest's house, about 9 miles from Micanopy, and killed 5 of them, the sixth made his escape. The Indians were comfortably ensconced in a luxuriant manner under mosquito nets. Among the killed was an Indian of bad character, named Billy John, a chief of some influence. He begged for quarter very humbly, but it was refused, and he was instantly put to death.

"A letter from Suwannee, Old Town, dated 25th June, states that the plantation of Alex Watson, esq. was destroyed by the Indians on the 18th at midday. A party of men the day previous had a skirmish near there, with the enemy—they lost 1 killed, and reported 4 or 5 Indians killed. The latter kept the field. They are augmenting their numbers daily; but whether they are the Creeks or Seminoles is a matter of conjecture. Mr. Watson's loss is between 30 and 40,000 dollars. The Indians obtained about 2,500 pounds of lead at Watson's, the others plantations in the vicinity will be abandoned.

TEXAS.

The following letters are from the Texian commisioners who were ordered to Matamoras to receive some prisoners as stipulated by a treaty made with gen. Filasola, by whom they were furnished with passports. According to a letter in the New Orleans Bee, immediately on their arrival at Matamoras they were arrested and imprisoned, and their passports taken from them and destroyed. We learn from the same source that gen. Urrea had joined Filasola with 4,000 soldiers, which, with 3,000 under the command of the latter, makes 7,000 men in all now on their march to Texas. The Texians are making vigorous efforts for a determined resistance, and it is stated that about 9,000 *Americans* will take the field.

A late New Orleans Bee also contains a letter dated Matamoras, May 11th, which announces the release of the Texian prisoners who were confined there under sentence of death. The respite granted them at the earnest solicitations of the natives and foreigners resident at Matamoras, was on the eve of its expiration, when the news of the capture of Santa Ana arrived, and under his decree of amnesty, they were immediately set at liberty.

Matamoras, Tamaulipas, June 9th, 1836.

My dear friend: I am sorry to inform you of our situation. We are detained here for nothing but to keep you ignorant of the enemy's intention; they will soon be down on you in great numbers. Four thousand will leave here in four or eight days for La Bahia, it is supposed via Nueces or San Patricio, and as many more by water, in 15 or 20 days from Vera Cruz, to land at Copano, or Brasos, it is not yet ascertained at which place, they will make a war of extermination and show no quarters. My dear friend, you see what treating with a prisoner is, but you must make the best of it; you can fall back to the Colorado, and call all the men to the field, for if you do not, Texas is gone. They have heard that the president is at Velasco with a very small guard, and they say they will have him in less than two weeks. I think you ought to send all the prisoners through to San Augustine for safe keeping. You will have from 7 to 10,000 troops to contend with, many of them cavalry, well mounted, to murder women and children. Now, soldiers, you must not spare any pains for the sake of saving us; we are willing to be lost to save Texas. We are not in prison yet, but to-morrow we shall have quarters in the calaboose. We have good friends, which prudence at present forbids me to mention for fear of detection. Urrea is commander-in-chief of the Mexican army, and says he will not stop short of the Sabine river.

You must now work head work as well as fighting. Blow up Goliad and Bexar: you have a sufficient force in the field at once, and will whip them again—be united—let the people of the United States know what kind of a war they make of it, and they will certainly come to our assistance. I do not consider our lives in danger, if in close quarters. To give you as much information as possible, my letter is in this small band. I bid you adieu in haste. Our cause forever, your friend,

A. TEAL.

I concur with all that has been stated above and foregoing.
Your ob't serv't H. M. RAMES.

Matamoras, June 9.

The messenger who carries this, is strongly recommended by all the friends of this place—the news he carries is of the greatest importance to Texas. *In God's name be governed by it.* I expected to have carried the news to Texas myself, but to have been made prisoner was not what I expected: I was to have left this evening, through the assistance of the friends to our cause; at 12 o'clock this day, I was called up by general —— and obliged to give security that I would appear at any time I was called upon, or that I would not leave the city, or else be imprisoned in the Cartel. Captains Teal and Carnes are prisoners also. I hope if their bad faith at the mission at Goliad and elsewhere, will not fully open your eyes to the perfidiousness of these unprincipled wretches, in the detention of our commissioners in this place, as well as myself and four of my men, all with passports from general Filasola, you will hereafter act on principles of retaliation, regardless of consequences to us. If you had shot the officers already taken, I have no doubt the second attack would not have been made.

The information is so full in the other documents and letters that it is unnecessary for me to go into detail; the advice in them pay all attention to, and for heaven's sake pay strict attention and profit thereby. To Galveston and Matagorda, and your prisoners look well. Our situation is bad, but death can case our troubles. I am your enemy's prisoner,

Maj. W. P. MILLER, *legion cavalry.*

I certify the foregoing to be true copies of the communications sent by general T. S. Rusk, to this department.

A. SOMERVILLE, *secretary of war.*

War department, Velasco, June 20, 1836.

Copy of a letter addressed to gen. Dunlap, handed by capt. Mather, steamboat Privateer, dated,

Near Sabine, July 2, 1836.

To gen. Dunlap: sir: Your favor of the 1st of June, reached me last evening, I regret so much delay will necessarily result before you can reach us, we will need your aid, and that speedily, the enemy in large numbers are reported to be in Texas, their force is estimated at from 8 to 12,000. It is impossible to ascertain, but I think it somewhat exaggerated. We can meet and beat them with one-third the number. The army with which they first entered Texas is broken up, and dispersed by desertion and other causes. If they get another army of the extent proposed, it must be composed of new recruits, and men pressed into service. They will not possess the mechanical efficiency of discipline which gives the Mexican troops the only advantage they have, they will be easily routed by a very inferior force, for a portion of that force, we shall be obliged to look to the U. States. It cannot reach us too soon, there is but one feeling in Texas, in my opinion, and that is to establish the independence of Texas, and to be attached to the United States. The war has assumed a most deplorable aspect. Priest craft and fanaticism have been united against all liberal principles, to establish and maintain this, it is necessary that despotism should be created. The God of liberty will crush it, liberal principles will triumph, and Texas must be free.

March as speedily as possible with all the aid you can bring, and I doubt not but you will be gratified with your reception, and situation. Come the most expeditious route, and do not encumber yourself with baggage. Bring with you arms, and forward such aid to Texas as you can. The troops who were driven from Texas, I understand, refused to return under any circumstances. They returned home miserable, naked and disheartened. For minute particulars of our situation and much important information, I refer you to the rev. S. Bacon, the bearer of this, who has been actively engaged in the cause of Texas. The path of honor and wealth in Texas, is open to the patriotic and chivalrous. I am, your ob't serv't and friend.

(Signed,) SAM. HOUSTON.

Gen. R. G. Dunlap, Nashville, Tenn.

The president of Texas, David G. Burnet, has issued his proclamation, in which he exhorts the people of Texas to be united in their movements towards the enemy. The following are the orders issued to the people of Texas:

"I, David G. Burnet, president of the republic of Texas, by and with the advice and consent of the cabinet, have ordered and decreed, and do hereby order and decree, that every able-bodied man in Texas, being over the age of sixteen and under that of fifty years do forthwith report himself to the proper muster-officer of his respective municipality, and enrol himself for military duty; and that so soon as a company of 56 men shall be enrolled in any municipality, they shall proceed to the election of their several officers, and shall forthwith march to head quarters, first reporting their organization, and a complete company, to the muster office of the municipality.

And it is further ordered and decreed, that the muster officer in each municipality, shall make out a full list of the names and ages of every male citizen in his municipality, whether absent or present, a certified copy of which list shall be transmitted to the war department. And he shall also keep a list of every man within his municipality, who enrols himself for military duty, a copy of which record shall be forwarded to the department of war, at the end of every month, from the promulgation of this decree. He shall also send to the same department copies of the several companies returned to him.

It is further ordered and decreed, that all officers, non-commissioned officers and privates, belonging to the Texian army, who may be absent on furlough or otherwise, do immediately repair to their respective posts, and report themselves for duty, on pain of forfeiting their commissions, if commissioned officers, and their pay and bounty, if non-commissioned or privates.

Done at Velasco, the 20th day of June, 1836.

D. G. BURNET, *president.*

A. Somerville, *secretary of war.*

INDEPENDENCE OF TEXAS.

HOUSE OF REPRESENTATIVES, JULY 4, 1836.

Mr. *Mason*, of Virginia, from the committee on foreign affairs, to which the subject had been referred, made the following report:

The committee on foreign affairs, to which were referred certain resolutions of the legislature of the state of Connecticut, and the petitions of many citizens of the United States, asking the recognition of the independence of Texas, have had the same under consideration, and respectfully report: That the committee have not been able to procure such information of the condition of Texas, as to determine whether the people of that state have in successful operation a civil government, capable of discharging the duties and fulfilling the obligations of an independent power. By the constitution of the United States, the duty of conducting negotiations, and of superintending our relations with foreign states, is devolved on the president. That, as necessarily incident to this duty, subject to the control of congress, he has authority to collect information of the civil, military and political condition of such foreign states with which the United States may have, or may desire to maintain, a friendly intercourse.

Your committee are satisfied that the president has taken the proper prudential measures to enable congress, with a just respect to the several rights of Mexico and Texas, to decide on the interesting question presented by the resolutions and petitions under consideration.

When this necessary information shall be received in any satisfactory form, it will be the duty and interest, as it is the right, of the United States, promply to adopt the proper measures to establish with Texas, as an independent member of the family of nations, relations of peaceful and friendly intercourse.

Of the recognition of her independence, under such circumstances, resulting from the principles on which our own institutions were established, and which induced our recognition of the existing authorities in Mexico, no government will have just cause to complain.

The committee recommend the adoption of the following resolutions:

1. *Resolved*, That the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.

2. *Resolved*, That the house of representatives perceive with satisfaction that the president of the United States has adopted measures to ascertain the political, military and civil condition of Texas. [*Agreed to.*]

THE LATE TREASURY CIRCULAR.

On publishing the treasury circular to the receivers of public money and the deposite banks, inserted in our last, the editors of the "Globe" preceded it by the following article, as explanatory of the views which induced the president to give directions to the secretary of the treasury to issue it:

From the Washington Globe.

Prevention of fraudulent speculation, and the conversion of the public domain into paper.

The public mind has been occupied for some months past with reports of frauds, speculations and monopolies in the public lands. Associations of individuals, and even public men, have been charged with these practices; and bank loans, bank certificates of money deposited, and public money in the deposite banks, have been the imputed means of their operations. The land offices, in some instances, have been charged with connivance, and with aiding these associations, to the prejudice of settlers and cultivators. These reports have reached the floor of congress, and have been reiterated in speeches, and made the subject of proceedings in both branches of the federal legislature. In the senate a bill was reported from the committee on public lands, proposed to prevent frauds in the sales of the public lands, and particularly levelled at the combinations of individuals, who, availing themselves of facilities to obtain quantities of what is called land office money, that is to say, *bank notes receivable for public lands*, attend the sales, put down competition, monopolize purchases at low rates, and then compel settlers to purchase of them at advanced prices; but the provisions of the bill were not deemed to be well adapted to its intended object, and, after a discussion in which the evil was admitted to exist in some states, but the efficacy of the remedy contested, the bill was laid upon the table, with assurances of renewed attention to the subject at the ensuing session. In the house of representatives a more formal movement, and one of more comprehensive scope and grave import, was commenced, but too late in the session to admit of the investigations and matured reports which the subject required. On the 20th of June, Mr. Hunt, of New York, submitted a resolution to raise a select committee, with power to send for persons and papers, to examine into the use of public money, by public men, in speculating in the public lands; which resolution was immediately adopted by the house; and on the 2d day of July thereafter, being the Saturday before the adjournment of congress, Mr. Hunt made a brief report from the committee, indicating the necessity for thorough and extended investigations, and praying for an enlargement of the number of the committee, an extension of their inquiries, and leave to sit during the recess of congress. This application was not granted. A large number of members are opposed, on principle, to recess committees; but the strong vote given for the inquiry, notwithstanding this objection, must be taken as a strong manifestation of the sense of the house in favor of Mr. Hunt's propositions. Notice of intention to pursue the subject, remitted to the next session of course, was given; and thus, in the house of representatives as well as in the senate, the session closed without any final action of congress to detect or arrest imputed violations of law, abusive practices, and improper proceedings in the important concern of the national domain, the national treasure, and the paramount interest of the cultivators of the the soil. Congress having thus adjourned, the duty devolved upon president Jackson, as the chief magistrate of the republic, charged by the constitution to guard against the abuse of executive trust, and vested with a supervisory guardianship over the faithful execution of the laws, to examine into the complaints, and to satisfy himself whether a case be made out, either by direct proof or strong presumption, which would require the interposition of any remedy within the reach of his constitutional powers. For this purpose, and in addition to the current reports, and to what was said in the public debates of both houses of congress, the president took into consideration the resolutions reported by the select committee of the house, of which Mr. Hunt was chairman, which seemed particularly to challenge his attention for the extent of the abuses which they inferred, the official character of their origin, the serious weight which the vote of the house attributed to them, and the defeat of final action in that house from want of time and from well grounded objections to a recess committee. Those resolutions were in these terms:

"Mr. Hunt, from the select committee, appointed to inquire whether members of congress or others had procured public moneys of the deposite banks for the purpose of speculating in the public lands, made a report accompanied by the following resolutions:

"*Resolved*, That the select committee appointed by this house on the 20th June, 1836, be increased to nine, and that said committee have power to sit during the recess of this house.

"*Resolved*, That said committee embrace in their inquiries any connection between deposite banks and others and the land offices for the purposes of speculation.

"*Resolved*, That said committee inquire how far, and to whom, for speculation in public lands, the deposite banks have issued certificates of deposite without an actual deposite in cash, and to what extent they have been received in payment for purchases of public lands at the several land offices.

"*Resolved*, That said committee inquire how far, and to what extent, combinations in the purchase of the public lands have been formed, or are forming, sufficiently strong, from interested motives, to control to any extent the legislative action of congress."

Here was grave matter, very proper at any time, and especially in the absence of congress, to engage the consideration of the executive. Speculations in the public lands—connexion between the deposite and other banks, and land officers, for the purposes of speculation—certificates of bank deposites, without actual deposites, to aid speculators in purchasing public lands—combinations to engross the purchase, and to control the legislative action of congress in relation to the public lands; such were the serious implications, and startling suggestions, resulting from the proposition of these resolutions; and although they might be merely resolutions of inquiry, and conclusive of nothing, yet they were resolutions emanating from a committee which had commenced an investigation into the subject, and whose application for enlarged powers, increased numbers, and leave to sit in the recess, sufficiently attested their belief in the sufficiency of the grounds for an extraordinary proceeding on the part of the house. Without at all deciding the question how far the implications resulting from these resolutions might be well or ill-founded, as they regarded individuals, the president felt himself called upon by the gravity of their character, reinforced by current reports and public debates, to look into all the points of violated law and abuse of trust, which were accessible to his examination. The most prominent of these evils obviously connected themselves with that which, in the vague jargon of the paper system, is called "*bank facilities*," comprehending loans of bank notes, certificates of deposite, letters of credit, leave to draw, and all that kind of invisible machinery by which combinations of speculators and associations of official and influential characters would be able to accumulate what is called "*land office money*," that is to say, any thing except *real money*, and every thing in the shape of paper, which could be exchanged for public land; and by this accumulation of paper funds, and combination of active members, to be able to become engrossers in the land market, outbid and deter resident cultivators, oust settlers from their selected spots, beat down or buy off competition, monopolize the sales, and then retain a barren possession over the whole, or retail inferior parcels to settlers and cultivators at advanced prices and for real money. Of all these "*bank facilities*," the certificates of deposite, and the drafts drawn upon them, presented themselves in the most questionable form. Even if legal, they were liable to gross abuses, even to fictitious issues, as implied in one of the committee's resolutions, and would have given to strangers and speculators the undue advantage of making payments on distant banks in their own drafts, while settlers and cultivators would be required to pay down in money counted. This would be a reversal of the rules of propriety; for surely, the cultiva-

tor of the soil should have the advantage in the purchase of what he was acquiring for the purpose of using, and that for the public good as well as his own. But this description of of "*bank facilities*" did not happen to be legal. It turned out to be a practice without law, and in contravention of law, and a strange degeneracy from the legal payment authorised to be made to the treasurer of the United States. This is the law:

"Sec. 2. *And be it further enacted*, That credit shall not be allowed for the purchase money on the sales of any of the public lands which shall be sold after the first day of July next, (1820), but every purchaser of land sold at public sale thereafter, shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce to the register of the land office a receipt from the treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase money on any tract, before he shall enter the same at the land office; and if any person, being the highest bidder, at public sale, for a tract of land, shall fail to make payment therefor, on the day on which the same was purchased, the tract shall be again offered, at public sale, on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at public sale."

[*Act of April* 24, 1820.

This is the last act upon the subject, and certainly nothing can be more plain than its enactments and its intentions. To stop the credit sales, to reduce the price of lands, (which is done in the 3d section), and to authorise payments to be made to the treasurer of the United States in addition to the receiver of the district, are the objects and enactments of the act. Not one word about deposites in banks, and drafts drawn upon them. Here then was illegality clearly detected in one branch of these "*bank facilities;*" and a specific order directed to this point might readily lop off one branch of the evil; but the abuse would not thereby be cured. The source of the evil was too wide and deep, and had too many issues, to be cured by lopping off branches. The fountain had to be reached; and that fountain lay in the paper system, in the multiplication of banks, in the floods of bank notes which they issued, and in the general receivability of these notes for the public lands; a receivability which virtually converted the national domain into a fund for the redemption of all these bank notes, and a capital for seven or eight hundred banks to bank upon. To stop the certificates, and leave the notes receivable, would only put the speculators to the trouble of packing the notes instead of carrying the certificate, and the evil to the public would be the same as before. Having reached the source of the evil, the next inquiry was into the nature of the remedy which that evil required. Here the field, so far as the law was concerned, was completely open. No law of congress, now that the 14th section of the U. States bank charter is repealed, and the treasury notes are redeemed, *requires* any description of bank notes to be received in payment of public dues. The joint resolution of 1816, which relates to the point, is merely *permissive* of such reception, and refers the selection of bank notes, under limitations to restrict and not to enlarge his action, to the discretion and responsibility of the secretary of the treasury; and this brings the whole matter under the supervision of the president, as the constitutional sentinel over the executive trusts, to whatever agent confided.

The joint resolution of 1816 was intended to restrain, not to unbridle, the secretary—to improve, not to deteriorate the currency—to secure, not to endanger, the revenues—to repress, not to enlarge, the power of the banks. At that time very few banks paid specie. There was, in fact, a general suspension of specie payments in the south and west, and throughout the middle states. The federal government by the strange error and deplorable fatuity of not re-establishing the constitutional currency at the expiration of the old bank of the United States in 1811, and becoming dependent upon the local banks for their paper currency, which was received in payment of all federal dues, soon experienced the fate of a dependant; it had to continue the receipt of this paper after the banks ceased to redeem it—it had to submit to their violations of law—it had to treat with them as independent sovereignties—it had to pocket, in the unavailable funds, a loss of a million at least—and, what was far worse, ended with agreeing to the necessity of re-establishing the bank of the United States!—that tyrant institution, stronger than an army, which congress cannot disband; and which, under disguise, retains all its original character, and with a state charter retains its national organization, preserves its branches under the title of agencies, and confidently awaits the moment when the people, thrown off their guard, shall permit a bank president to be elected, or a majority of two-thirds of bank senators and representatives, to occupy the floors of congress. These are some of the evils which the general receivability of local bank paper occasioned a few years ago, and which the joint resolution of 1816 was intended to prevent; but they are not all. Monopolies and speculations in land had their reign than as now, and the years 1816, '17, '18, have more parallels then that of surplus revenue, to the present times. The banks to which the joint resolution of 1816 was applicable, at the time of its passage, were comparatively few and of small capital; yet speculations, monopolies, surpluses and unavailable funds were the result. Now the same resolution is applicable to three or four times the number of banks which then existed, with capitals of millions where they then had thousands, and all multiplying and increasing with the annual assemblages of the state and territorial legislatures. With this legion of banks and their floods of paper flowing into the pockets of speculators, and all receivable for federal dues under the joint resolution of 1816, but receivable at the discretion, and upon the high responsibility, of the secretary of the treasury and of the president, a renewal of the scenes of 1816, '17 and '18, was among the results to be regularly counted upon; and, according to the debates in congress, the resolutions of Mr. Hunt's committee, the fraud bill of the land committee of the senate, and the current reports, some of the worst of these scenes are now in full exhibition—speculation, monopoly, fraud, combinations to cheat the government and to oppress the settler—aggravated by suspected connexions between public men and public money, deposite banks and land officers, and giving birth to powerful associations "*to control the legislative action of congress,*" in relation to the national domain and the national treasure! These are serious matters, and brought forward in a way to command inquiry, to arrest public attention, and to require the faithful exercise of high and responsible duties. The general receivability of bank notes for public lands is the root of the evil, the head source and fountain of the mischief. To discriminate between the banks, and to limit the number whose notes should be received, might seem at first blush, a natural and suitable remedy, but brought to the touch stone of practice, would certainly fail. Discrimination between seven hundred and fifty institutions, all paying specie, and all equal in the eye of the joint resolution of 1816, could not but be arbitrary, would certainly be invidious, would incur the censure of favoritism, and, after all, would not extinguish the evil. The favored banks would have their favorites, and the public lands would still be the prey of the speculators favored by them. There are cases in which half-way measures, so tempting to timid minds, only aggravate the mischief they are intended to cure. There are cases which require strong remedies, and this is one of them. A strong remedy was wanting; one that would avoid favoritism and monopoly, while aiming to put all good citizens and all good banks upon a footing of equality, and to stop a fountain whose corrupt issues were supposed to be reaching the federal domain, the federal treasury, and the federal legislation. President Jackson had no difficulty in *seeing* this remedy. His attachment to the constitution, and to that money of the mint which it intended to guarantee, quickly led him to the medicine which the disease required! But to prescribe it at once, to order it off hand, and from a single view and a first impression, was another and a different question, and required much anxious and careful deliberation. The legal right was clear, but the expediency had to be considered. The effects of specie payments for public lands, on the body politic generally, had to be considered, as well as its effect upon the particular disease of which it was the antidote. Hence the important inquiries: Is the supply of coin and bullion in the country, sufficient for these payments? Will settlers and cultivators suffer? Will the new states be injured? Will the currency be affected? Will the banks be shocked? Will any public or general interest receive detriment? Answers to all these inquiries resulted in showing,

First: That the supply of specie in the country was amply sufficient to commence the system of specie payments for the public lands. The supply of *silver* has more than doubled since the removal of the deposites from the bank of the United States on the first day of October, 1833; and the supply of *gold* has grown from nought to upwards of eight millions since the first day of August, 1834, when the new coinage commenced under the corrected standard. Both gold and silver are now flowing into the country from all quarters, and the product of the mint is unusually great. Upwards of a million of gold was coined in the last month, and about a million and a quarter of silver for the last three months. The new law for transferring money, without limitation of amount, from the deposite banks to the mints, for supplying metals for coining, will keep those establishments fully supplied; and as the branch mints from North Carolina, Georgia and New Orleans will be in operation in January next, the annual coinage will be more than double the amount that it now is; no deficiency of specie can, therefore, be apprehended, either to delay the commencement of specie payments for public lands, or to keep them up in time to come. The *supply* both of gold and silver, will be abundant. Their exportation will be prevented by creating a use and demand for them at home. To diffuse them through the country, and get them out of the vaults of the banks into the hands of the people, will be the only concern and trouble of the government.

Secondly: Settlers and cultivators will not suffer. An exception is made in their favor by which specie payment will not take effect upon them until the first of December; and after that, they will find their advantage in diminished competition from speculators and monopolizers, those masters of the land market, who engross by means of paper loans and "*bank facilities;*" who can now come into the market with any quantity of bank notes, but who, under the new regulation, will find themselves reduced to their actual capital, a comparatively small sum when counted down in gold and silver. As an act of justice, and real favor, to the settlers and cultivators, the new regulation will shine pre-eminent in depriving their arch enemies of the means of out-bidding, oppressing and tyrannizing over them. Their own wants will not be great. A few hundred hard dollars, into which they can speedily convert what good notes they have, will get them a home, or a settlement for a child, or an addition to their farms; while the speculator will

find it difficult to raise and transport fifty or an hundred thousand dollars in the same good metal.

Thirdly: The new states will not be injured; on the contrary, they will be benefitted and blessed. In the first place, they will be freed from the intrusion of strange notes from distant banks, which would otherwise be forced into circulation through the credit obtained for them at the land offices by the importunate instances of interested parties. In the next place, they would be freed from all uncertainty about that never ending and forever changing subject of inquiry, vexation, loss, imposition, cheatery and shaving in that most chameleon article called *land "office money."* Henceforth every body will know what land office money is. It will no longer be an article of discount and premium; and it will cease to be an article which paper machines can strike off in masses for their friends and favorites. All will know what land office money is, and every man that can get money at all, can get land office money. In the third place, it will improve the currency of the new states by pouring into them a perennial supply of the precious metals. Gold, especially, will be carried into their bosom by every emigrant, traveller and purchaser of land.

Fourthly: The general currency of the union will be radically and beneficially affected. It will increase the specie and diminish the paper part of the circulating medium. Bank notes will be less suitable for travelling; gold will be more required; and the incarcerated millions which now lie in the Atlantic banks will come forth, not for exportation, but for immigration to the interior. Great will be the advantage to the general currency by this certain increase of its specie basis.

Fifthly: Good banks will not be shocked, and bad ones ought to be. Under the late law, notes under ten dollars can no longer be paid out; those under twenty dollars cannot be paid out after the third of March next; none of these denominations of notes, or any other, can be paid out, unless they are payable and paid on demand in gold or silver, at the place where issued, and equivalent to specie at the place where offered, and as such convertible into gold or silver upon the spot, at the will of the holder, and without loss or delay to him. This last provision is the most important one. Unless violated, no bank note of any kind can be paid out by the federal government except at the place where the bank has provided specie to redeem it, and for which the holder of the note, as a matter of right, not of favor, can exchange it for specie. Corresponding with this *law* against paying out bank paper, is the treasury *regulation* against receiving it; so that without a double violation of law and regulation, the general use of local bank paper is already greatly restricted; and the importunate prayers of some banks to have their paper made land office money so as to give it credit abroad, and extend its circulation, would only be prejudicial to themselves if granted, and the laws and regulations be observed by the officers; for it would only be collected in masses and returned upon their hands for redemption. The injury to banks then can only turn upon the idea that their paper was to become the currency of the country, without restriction of any kind—an idea utterly reprobated, entirely at war with the policy of the administration, wholly incompatible with the theory of a gold currency, and leading to the disastrous scenes of twenty years ago; banishment of specie, depreciation of paper, derangement of the currency, explosion of banks, subjection of the federal government to local institutions, a fresh accumulation of unavailable funds, loss of all confidence, and the re-establishment of the bank of the U. States.

Sixthly: No public or general interest will receive any detriment. The sales of the public lands will be less, but the pay will be better. Settlers and cultivators will buy as much as ever; and they are the only purchasers the government should desire to see. Speculators, monopolizers, bank favorites, and their frauds alone, will be checked; and this is precisely what the fraud bill of Mr. Ewing, in the senate, and the investigating resolutions of Mr. Hunt, in the house of representatives, assumed that it was necessary to prevent. Associations of public men, if any, to monopolize public land with public money; combinations, if any, to control the legislative action of congress in relation to the federal domain and the federal treasure; bank facilities for the aid of the speculator and the oppression of the settler; illegal drafts upon deposite certificates; the public complaints and the general dissatisfaction, will all cease, and the federal domain become what it ought to be, the fruitful property of the cultivator, and not the barren possession of the speculator.

Thus every question of expediency, as well as the question of legal right, was solved in favor of the exclusion of bank paper from public land payments; and happily, the republic possessed in *president* JACKSON the chief magistrate which the occasion required; a chief magistrate exclusively devoted to the public good, cautious in his councils, circumspect in his deliberations, firm in his resolves, vigorous in his actions, and fearing no responsibility when duty and conviction require him to act. Now, as in the great measure of the removal of the deposites, the president has felt it his duty to exercise the powers delegated to him by the constitution and direct the adoption of the present measure, for which he holds himself responsible to his countrymen, and on their judgment and the unerring test of time he confidently reposes.

With these introductory remarks, we conclude the subject by presenting to our readers the circular of the secretary of the treasury.

The following, which takes the form of an advertisement published in the official papers, may be considered as a supplement to the decree of the executive, promulged recently, in the form of a circular, from the treasury department.

[*Nat. Int.*

Treasury of the United States, July 15, 1836.

The second section of the act of congress entitled "an act making further provision for the sale of the public lands," approved 24th April, 1820, having provided "that the purchaser at private sale shall produce to the register of the land office a receipt from the treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase money on any tract, before he shalt enter the same at the land office," and the president of the United States, in his decision relative to the exclusive receipt of gold and silver by the receivers of public moneys in payment for the public lands, having directed that "in case of payments made for lands to the treasurer of the United States under the act of 24th April, 1820, his receipt shall also express the amount received in gold, and the amount in silver"—notice is hereby given, that the receipts of the treasurer of the United States to be issued in pursuance of the above act, and to be applied in payment for public lands purchased at private sale, will be granted only upon payments in the treasury of gold or silver.

P. G. WASHINGTON, *acting treasurer U. S.*

July 16.

TREASURY CIRCULAR.

Treasury department, first comptroller's office, July 11*th*, 1836.

SIR: You will receive, herewith, for your information and government, copies of the two following acts, both approved the 4th instant:

1. "An act to repeal so much of the act of March second, seventeen hundred and ninety-nine, as respects the issuing of certificates on the importation of wines."

2. "An act to suspend the discriminating duties upon goods imported in vessels of Portugal, and to reduce the duties on wines."

The first mentioned act, and the first section of the latter, took effect the day on which they were respectively approved; and the two remaining sections of the latter are to go into operation from and after the 30th instant. For the duties which may be refunded by you on wines, you will take receipts in the usual form, and render separate abstracts thereof.

From an examination of the acts, their provisions appear to me to be so clear and explicit as not to require any other explanation than that which has already been given. Very respectfully, your obedient servant,

(Signed) GEO. WOLF, *comptroller.*

An act to repeal so much of the act of March second, seventeen hundred and ninety-nine, as respects the issuing of certificates on the importation of wines.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That so much of the act of congress, passed second of March, seventeen hundred and ninety-nine, as requires that the surveyor or chief officers of inspection of any port, where wines may be landed, shall give to the proprietor, importer or consignee thereof, or his or her agent, a certificate, as mentioned in the fortieth and forty-first sections of said act, is hereby repealed.

Approved, July 4, 1836.

An act to suspend the discriminating duties upon goods imported in vessels of Portugal, and to reduce the duties on wines.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That so much of the several acts of congress as imposes a discriminating duty upon goods, wares and merchandise imported in foreign vessels be, and hereby is, suspended, so far as respects the produce or manufactures of Portugal proper, including Madeira, Porto Santo and the Azores, when imported in vessels wholly and truly belonging to the subjects or citizens of said places; so that such produce or manufactures shall be subject to the same duties only as if imported in vessels of the United States: *Provided, however,* And this suspension shall continue no longer than this section remains in force.

Sec. 2. *And be it further enacted,* That from and after the thirtieth day of July, eighteen hundred and thirty-six, the duty on all kinds of wine imported into the United States shall be reduced one-half, so that no more than one-half the amount now assessed shall be thereafter passed.

Sec. 3. *And be it further enacted,* That all kinds of wine, whether imported before or after the passage of this act, may be put into the custom house stores, under the bond of importer or owner: and such of the said wines as shall remain under the control of the proper officer of the customs, on the thirtieth day of July, one thousand eight hundred and thirty-six, shall be subject to no other duty than if the same were imported after that day; and if the duties, or any part thereof, on the wines deposited as aforesaid, shall have been paid previous to the said thirtieth day of July, one thousand eight hundred and thirty-six, the amount of excess of duty shall be refunded to the person importing and depositing the same: *Provided,* That no wines shall be so deposited unless in the casks or bottles as imported: *And provided, further,* That the benefit of this act shall not be extended to any wines not entitled to debenture.

Approved, July 4, 1836.

PENSIONS.

From the Globe.

The following circular, addressed to the agents for paying pensions, is published for the information of the United States pensioners:

CIRCULAR.

Treasury department, 2d comptroller's office, June 30, 1836.

Agent for paying pensions:

SIR: You will perceive by the annexed act of congress that the law there referred to will not be construed to authorise the pension of any pensioner of the United States to be withheld, and that the intention of congress in enacting the explanatory law of 20th May, 1836, was to place the claims and rights of pensioners on precisely the same footing as if the act "to prevent defalcations," &c. had never been passed; and consequently, that all money due to pensioners which have been and are yet withheld under the construction heretofore given to that law, and for that reason only, ought to be refunded to them.

You will please withdraw all stoppages directed to be made against the United States pensioners since the passage of the act of 25th January, 1828, and upon the forms and instructions being complied with, as in all other cases, pay the six month's pension due on the 4th March last.

JOHN N. MOULDER, *acting comptroller.*

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An act explanatory of the "act entitled an act to prevent defalcations on the part of the disbursing agents of the government, and for other purposes."

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the act entitled "an act to prevent defalcations on the part of the disbursing agents of the government, and for other purposes," approved the 25th of January, eighteen hundred and twenty-eight, shall not be construed to authorise the pension of any pensioner of the United States to be withheld.

Approved, May 20th, 1836.

NEW OFFICES CREATED, &c.

Report of the secretary of the senate, in compliance with the "act to authorise the appointment of additional paymasters and for other purposes," approved July 4, 1836.

Office secretary of the senate, July 11, 1836.

In obedience to the provisions of the 6th section of the "act to authorise the appointment to additional paymasters and for other purposes," approved July 4, 1836, which requires "the secretary of the senate and clerk of the house of representatives, as soon as may be after the close of each session of congress, to publish a statement of all appropriations made during the session, and also a statement of the new offices created and the salaries of each, and also a statement of the offices, the salaries of which are increased, and the amount of such increase," the secretary of the senate submits the following report, containing a statement of the new offices created, with the respective salaries, and also the offices, the salaries of which have been increased, and the amount of such increase.

For the statement of appropriations made at the last session, the secretary of the senate refers to the report made by the secretary of the treasury, on the 6th July, 1836, (senate document No. 426), in pursuance of the resolution of the senate of 25th June, 1836, as containing the information required by the 6th section of the act aforesaid.

WALTER LOWRIE, *secretary.*

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Statement of the new offices created and the salaries of each, and also a statement of the offices the salaries of which are increased, and the amount of such increase, during the last session of congress, made in pursuance of law.

NEW OFFICES.	*Salary per annum.*
An agent to obtain the legacy of James Smithson, late of London, deceased, for the establishment of the Smithsonian Institution for the increase and diffusion of knowledge among men, salary not fixed.	
Three assistants to the commissioner of the public buildings, as superintendent of the Potomac bridge, at $1 50 per day each, each	$547 56
A register and receiver of the Milwaukey land district in Michigan, same as other registers and receivers.	
A register and receiver of the Grand river land district, in Michigan, ditto.	
A register and receiver of the Saginaw land district, in Michigan, ditto.	
Three additional clerks in the treasury department, under the act to regulate the deposites of the public money, one at a salary of	1,600 00
And two at a salary, each, of	1,000 00
A governor of the territory of Wisconsin, and a superintendent of Indian affairs	2,500 00
A secretary for the territory of Wisconsin	1,200 00
A chief justice of the supreme court of the territory of Wisconsin	1,800 00
Two associate justices of the supreme court, of the territory of Wisconsin, each	1,800 00
An attorney of the United States for the territory of Wisconsin, the same salary and fees as the attorney for Michigan.	
A marshal of the United States for the territory of Wisconsin, the same fees as the marshal of the northern district of New York, and $200 for extra services.	
A district judge of the United States for the district of Arkansas	2,000 00
A district attorney of the United States for said district, in addition to his stated fees $200 for extra services.	
A marshal of the United States for said district, same fees as marshals in other districts, and $200 for extra services	
A district judge of the United States for the district of Michigan	1,500 00
A district attorney of the United States for said district, in addition to his stated fees, $200 for extra services.	
A marshal of the United States for said district, same fees as marshals in other districts, and $200 for extra services.	
The clerks in the general land office, as heretofore provided for by law, were as follows:	
A chief clerk at a salary of	$1,700
A secretary to the president of the United States for signing land patents	1,500
One clerk at a salary of	1,400
Eight clerks at saleries, each, of	1,150
Six clerks at salaries, each, of	1,000
A draughtsman at a salary of	1,150
A messenger at	700
An assistant messenger at	350

In lieu of which, the following are provided for by the "act to organize the general land office," approved 2d July, instant, viz:

A principal clerk of the public lands	$1,800
A principal clerk on private land claims	1,800
A principal clerk of the surveys	1,800
A recorder of the general land office	1,500
A solicitor of the general land office	2,000
A secretary to the president of the U. States for signing land patents	1,500
One clerk	1,500
Four clerks, each	1,400
Sixteen clerks, each	1,300
Twenty clerks, each	1,200
Five clerks, each	1,100
Thirty-five clerks, each	1,000
One principal draughtsman	1,500
One assistant draughtsman	1,200
Two messengers, each	700
Three assistant messengers, each	350
Two packers, each	450

Three additional paymasters for the army, with same pay and emoluments as allowed to other paymasters of the army.

The president is also authorised, in case the present number of paymasters should not be sufficient, to assign the duties of paymaster to any officer of the army, to receive, while so employed, the same emoluments as are allowed to paymasters, and the number of such officers not to exceed one for every two regiments of militia or volunteers.

Three additional surgeons for the army.

Five assistant surgeons ditto.

The clerks in the department of state, heretofore assigned to the patent office, were—

One at a salary of	$1,500
Two at salaries, each, of	1,000
One at a salary of	800
One machinist at	700
One messenger at	400

In lieu of which, there have been provided for the patent office by the "act to promote the progress of useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," as follows, viz:

A commissioner of patents, at a salary of	$5,000
A chief clerk of the patent office, do	1,700
An examining clerk, do	1,500
Two clerks, one of whom shall be a competent draughtsman, do	1,200
One clerk, do	1,000
A machinist, do	1,250
A messenger, do	700

The secretary of state is authorised to appoint a board of examiners, to consist of three disinterested persons, &c. in every case where an appeal shall be made by individuals whose applications for patents shall be rejected by the commissioner of patents, each to receive for his services, in each case, the sum of $10.

Messengers in the offices of the chief engineer, adjutant general, the commanding general, surgeon general, inspector general, clothing bureau, topographical, ordnance and subsistence departments, all together to receive $2,568.

A commissioner under the "act to carry into effect a convention between the United States and Spain," approved 6th June ultimo, at a salary of	$3,500
A secretary to said commission, do	2,000
A clerk to said commission, do	1,500
For a clerk in the office of superintendent of Indian affairs for the territory of Wisconsin	800

The officers and clerks in the general post office, as heretofore provided for by law, were as follows, viz:

Two assistant postmasters general, each at	$2,500
A chief clerk, at	1,700
Four clerks, each at	1,400
Nine clerks, each at	1,200
One clerk, at	1,100
Twenty-four clerks, each at	1,000
Seven clerks, each at	900
Forty clerks, each at	800
Four clerks, each at	600
One clerk, at	500
One messenger, at	700
Three assistant messengers, each at	350
Two laborers, each at	240

In lieu of which, the following have been provided for by the "act to change the organization of the post office department, and to provide more effectually for the settlement of the accounts," approved the 2d July instant, viz:

Three assistant postmasters general, each	$2,500
A chief clerk, at	2,000
Three principal clerks, each at	1,600
Ten clerks, each at	1,400
Fifteen clerks, each at	1,200
Eight clerks, each at	1,000
A messenger, at	750
Three assistant messengers, each at	350
Two watchmen, each	300
An auditor of the treasury for the post office department, at	3,000
A chief clerk for the auditor's office	2,000
Four principal clerks, each at	1,600
Ten clerks, each at	1,400
Twenty clerks, each at	1,200
Eight clerks, each at	1,000
A messenger, at	750
An assistant messenger, at	350

The postmaster general is authorised, for the accommodation of the public, in any city, to employ letter carriers for the delivery of letters, &c. to be paid in such proportions and manner out of the fund raised by charges for the delivery of letters and papers as the postmaster general may direct.

An acting professor of chemistry at the military academy at West Point $300

For a new regiment of dragoons—

A colonel, pay $90 per month, and six rations per day.

A lieutenant colonel, pay $75 per month, and five rations per day.

A major, pay $60 per month, and four rations per day.

Ten captains, at pay $50 per month, and four rations per day.

Eleven first lieutenants, at $33 33⅓ per month, and three rations per day.

Ten second lieutenants, at $33 33⅓ per month, and three rations per day.

To be attached to the pay department of the army—

Three additional paymasters, to receive the same pay and allowances as the present paymasters of the army.

Whenever suitable non-commissioned officers or privates cannot be procured from the line of the army to serve as paymasters' clerks, the paymasters are authorised to employ citizens at salaries not exceeding $500 per annum, each.

Two commissioners, for two years, to examine claims under a treaty with the Cherokee Indians, at $8 per day each.

A secretary for the same, at $5 per day.

An interpreter for the same, at $2 50 per day.

A clerk for collecting the Indians, &c.

Two blacksmiths, under said treaty	$960
Two strikers, do.	480
A gunsmith, do.	480
Two additional interpreters, do.	600
Keeper of a dormitory at Mackinac,	600
Two farmers	1,000
Two assistant farmers	600
Two mechanics	1,200

An officer, three assistants, an interpreter, a guide, with two assistants, and a deputation of twenty Indians, to explore the Indian country, compensation not fixed.

Two additional clerks in the treasury department, under 2d section act 3d March, 1835, one at a salary of $1,150, and the other at $1,000 per annum.

For additional clerks and messengers in the office of the commissioner of pensions, $12,200.

An additional clerk in the office of commissioners of the navy board, at $900 per annum.

The surveyor general of Ohio, Indiana and Michigan authorised to employ two additional clerks, at a sum not exceeding $2,300, and allowed the further sum of $4,000 for additional clerk hire.

The surveyor general of Illinois and Missouri authorised to employ clerks at a sum not exceeding $3,820.

The surveyor general of Arkansas allowed the sum of $2,800 for clerk hire in his office.

The surveyor of Louisiana allowed $2,500 for clerk hire in his office.

The surveyor general of Mississippi allowed the sum of $5,000 for clerk hire in his office.

The surveyor general of Alabama allowed the sum of $2,000 for clerk hire in his office.

The surveyor general of Florida allowed the sum of $3,500 for clerks in his office.

The superintendent of Indian affairs at St. Louis authorised to employ one clerk at $1,000, and another at $800 per annum.

The superintendent of Indian affairs south of the Missouri river authorised, to employ one clerk at $1,000.

The secretary of war authorised to employ—

One clerk at $1,600, and one clerk at $1,400, to be employed in the business of reservations and grants under Indian treaties, for four years.

Three clerks for the pension office, at $1,000 each, for one year.

Six clerks and one messenger in the office of the quartermaster general, viz:

One clerk at $1,600.

One clerk at $1,200.

Four clerks at $1,000 each.

One messenger at $500.

One clerk for the ordnance office, $1,200.

Four clerks at $1,000 each.

One clerk for the adjutant general's office at $1,200, and three clerks at $1,000 each.

One clerk in the engineer office at $1,200, and one clerk at $1,000.

One clerk in the commanding general's office at $1,000.

Six clerks and one messenger in the emigrating Indian bureau attached to the subsistence department, viz:

One clerk at $1,600; one clerk at $1,400; one clerk at $1,200; and three clerks at 1,000 each, and one messenger at $500.

And all acts authorising the employment of extra clerks, or for the employment of non-commissioned officers, as clerks in any of the offices of the war department, repealed.

One clerk in the topographical bureau, 1,000.

Offices the salaries of which have been increased, and the amount of such increase.

	Amount of increase per annum.
The commissioners of public buildings, Washington, as superintendent of Potomac bridge,	$300
For extra compensation to the judge of the middle district of Florida,	800
To the assistant messenger in the first comptroller's office, in addition to former appropriation,	50
To the surveyor in Alabama, in addition to a former appropriation,	500

In lieu of pay, rations, and all other allowances now authorised, there shall be allowed the following compensation to the officers of the revenue cutters of the U. States, viz:

To each captain, $1,200 per annum.

To each first lieutenant, $960 per annum

To each second lieutenant, $860 per annum.

To each third lieutenant $790 per annum.

Assistant messenger in the office of the secretary of the treasury, in lieu of former compensation, $650.

Assistant messenger in the office of first comptroller of the treasury, in lieu of former compensation, $500 per annum.

The translator of foreign languages and librarian in the department of state, a salary of $1,600

The disbursing agent in said department, $1,450.

The messenger in the office of commissioner of Indian affairs, in lieu of former compensation, $700.

Office secretary of the senate, July 11, 1836.

REGULATIONS FOR MILITIA WHEN IN SERVICE OF THE UNITED STATES.

GENERAL ORDER, NO. 49.

Head quarters of the army, adjutant general's office, Washington, July 12, 1836.

The following revised regulations on the subject of returns, reports and detachments of militia, when called into the service of the United States, are published for general information, and the guidance of the several officers concerned:

I—POST MONTHLY RETURNS.

1—The commanding officer of every post or separate *station** will transmit to the adjutant general of the army, on the 1st day of *each month*, an exact return, according to the form prescribed, of *all* the troops under his command during the preceding month; specifying the name and station of each officer *present*, and also of each officer *absent*, with *the reason* for, and *the time* of his absence.

2—When a post or station is garrisoned by different regiments, or parts of different regiments, the troops will be reported on the monthly return by regiments; but if the troops be of the same regiment, they will be reported by companies.

3—Commissioned officers at the post will be accounted for by name, in order of *rank*, and are to be classed and arranged under separate heads, as fellows:

1st. "*Present at the post.*" 2d. "*Absent:*" as those who may be on "*staff duty,*" "*recruiting service,*" "*ordnance duty,*" "*military academy,*" "*topographical duty,*" "*other special duty,*" "*with leave,*" "*without leave,*" &c.

4—Whenever any change takes place in the position or location of troops, the fact will be reported by the immediate com-

*The senior officer, serving with any body of troops, *wherever he may be*, will, on *the last day of the month*, forward a return of his command, as required by this paragraph.

manders to general and department head quarters, specifying the date of departure of the whole or any part of the troops, or the date of arrival of the same, as well as all other circumstances connected with the movement. These special reports will always be accompanied by an exact *return* of the troops, according to the established printed forms. A similar report of such changes will be noted on the next regular monthly return of the post or station.

II—FIELD RETURNS—ACTIVE SERVICE.

During a campaign, or any active operations in the field, the general or other commanding officer will transmit to the adjutant general regular monthly returns of all the troops under his orders; and sometimes weekly field returns may be necessary, in order that the executive may, at all times, or at short intervals, be made acquainted with the exact condition and strength of his command.

III—FIELD REPORTS.

Reports relative to battles, or an affair in which a loss may be sustained, will always be accompanied with a separate returned of the killed, wounded and missing, in which the name, rank and regiment of each individual will be specified, with such remarks set opposite the names, respectively, as may be requisite for the records of the department of war, or be necessary to establish the just claims of any survivor, who may have been wounded, (taking care to specify the nature of the wound, the time and place of its occurrence, the name of his captain, colonel or other officer, &c.) or of the heirs and representative of any killed in action.

ABSENT—ON LEAVE.

1—Officers absent with leave are to report their address to the adjutants of their regiments, and to the adjutant general, monthly.

MILITIA AND VOLUNTEERS.

1—"Whenever detachments of militia are called into the service of the United States, by any officer authorised to make such call, the number of officers, non-commissioned officers and privates, will be stated in the requisition, and the proportions between them will be the same as is prescribed by the act of congress. Requisitions will never be made for companies, regiments or brigades.

2—"Such detachments as are called or received into the service of the United States, will be *mustered* before they shall be considered in service, by an inspector general, or some other officer of the regular army, to be designated by the officer requiring such militia aid.

3—"It shall be the duty of the officer designated to muster and inspect militia detachments, to organize them into companies, regiments and battalions, and to forward muster rolls of each company, and of the field and staff of each organized regiment, *direct* to the adjutant general of the army, Washington; and he will also immediately forward a consolidated return, by regiments and crops, of the force so received into service, for the information of the war department.

4—"Officers charged with the duty of mustering militia, properly ordered into the service of the United States, preparatory to payment, will take care that the muster rolls contain all the information that may in any way affect their pay; the distance from the place of residence to the place of rendezvous or organization, and the date of arrival, must be stated in each case; the date and place of discharge, and the distance thence to the place of residence; all stoppages for articles furnished by the government must be noted on the rolls; and in cases of absence at the time of discharge of the company, the cause of absence must be stated. When the necessary information cannot be obtained, the mustering officer will state the cause, otherwise he will be held accountable for the defect.

5—"No general staff officers will be mustered or received into service except such general officers, with their aids-de-camp, as may be required to complete the organization of brigade or divisions, when the strength of the detachment renders such organization necessary.

6—"All supernumerary officers will be rejected, and the organization of each department will correspond with the acts of congress regulating the militia.

By order of major general MACOMB:

R. JONES, *adjutant general.*

THE NEW POST OFFICE LAW,

Which effects some important changes in the post office department, is so long that we cannot find room for it, and are, therefore, glad to avail ourselves of a *synopsis* made by the Baltimore American.

From the Baltimore American.

Post office organization. The Globe publishes the law passed at the late session of congress, entitled "an act to change the organization of the post office department, and to provide more effectually for the settlement of the accounts thereof." As there are few laws which bear so frequently, actively and directly upon so large a portion of citizens, we give our readers an abstract of its provisions by sections.

Section 1st provides that all moneys received by the post office department shall be paid, under the direction of the postmaster general, into the treasury of the United States.

Sec. 2. The postmaster general shall submit to congress specific estimates, under separate heads, of the sums expected to be required for the service of the department in the subsequent year, and shall at the succeeding session render an account of the amount annually expended.

Secs. 3, 4, 5, 6 and 7, contains provisions made very guardedly for the modes and forms in receiving and paying money in the department.

Sec 8. There shall be appointed by the president, with the consent of the senate, an auditor of the treasury for the post office department. His duties are prescribed in detail.

Sec. 9. Defines the duties of the postmaster general, giving him control over all the officers and agents of the department.

Sec. 10. The auditor shall report quarterly to the postmaster general accounts of the moneys paid pursuant to appropriations, in each year, by postmasters, out of the proceeds of their offices, towards the expenses of the department.

Sec. 11. The postmaster general shall, within sixty days after the making of any contract, cause a duplicate thereof to be lodged in the office of the auditor of the post office department. He shall also cause to be promptly certified to the auditor all establishments and discontinuance of post offices, and all appointments, deaths, resignations and removals of postmasters, together with all orders which may originate a claim or affect the accounts of the department.

Sec. 12. The accounts of the department shall be kept in such a manner as to exhibit the respective amounts received from and expended upon particular objects.

Sec. 13. Bonds and contracts shall hereafter be made to and with the United States of America, and all suits be instituted in the name of the same.

Sec. 14. The auditor shall superintend the collection of all debts due to the department.

Sec. 13. Copies of the quarterly returns of the postmaster, and of any papers pertaining to the accounts of the auditors, certified by him under his seal of office, shall be admitted as evidence in the courts of the United States.

Sec. 16. Defines the duties of the attorneys of the United States in the prosecution of suits in behalf of the department, and in making their returns.

Sec. 17. The postmaster general shall cause suit to be brought to recover back, in all cases of over payment.

Sec. 18. The auditor shall settle all balances due from postmasters on account of transactions prior to the first day of July, eighteen hundred and thirty-six, prosecuting to judgment and execution if necessary.

Sec. 19. The auditor, or any mayor of a city, justice of the peace, or judge of any court of record in the United States, by him especially designated shall be authorised to administer oaths or affirmations, in relation to the examination and settlement of the accounts committed to his charge.

Sec. 20. There shall be employed by the postmaster general a third assistant postmaster general; with a specified number of clerks.

Sec. 21. Provides for the number and pay of the clerks and other officers in the office of the auditor.

Sec. 22. The postmaster general shall make annually to congress, five several reports:—namely, 1st, a report of all contracts for the transportation of the mail, with particular details; 2d, a report of all extra allowances to contractors, and of whatever relates thereto; 3d, a report on the incidental expenses of the department, methodically arranged under specified heads; 4th, a report on the finances of the department; 5th, a report of all fines imposed, and deductions from the pay of contractors for failures to deliver the mail, or any other cause.

Sec. 23. The postmaster general shall, before advertising for proposals for the transportation of the mail, form the best judgment practicable as to the mode, time and frequency of transportation on each route, and advertise accordingly. No consolidated or combination bid shall be received, and the conditions of contracts and principles on which extra allowances may be made, are defined.

Sec. 24. Proposals for all mail contracts shall be delivered to the department sealed, and shall be kept sealed until the biddings are closed. The contracts in all cases shall be awarded to the lowest bidder, except when his bid is not more than five per cent. below that of the last contractor, on the route bid for, who shall have faithfully performed his contract. The postmaster general shall not be bound to consider the bid of any person who shall have wilfully or negligently failed to execute a prior contract.

Secs. 25, 26, 27, 28, 29, 30 and 31, all relate to contracts for transporting the mail. The thirty-second section determines a point which has been much agitated for some months past. We give it entire.

Sec. 32. And be it further enacted, That if any postmaster shall unlawfully detain in his office any letter, package, pamphlet or newspaper, with intent to prevent the arrival and delivery of the same to the person or persons to whom such letter, package, pamphlet or newspaper may be addressed or directed in the usual course of the transportation of the mail along the route; or if any postmaster shall with intent as aforesaid, give a preference to any letter, package, pamphlet or newspaper, over another, which shall pass through his office, by forwarding the one and retaining the other, he shall, on conviction thereof, be fined in a sum not exceeding five hundred dollars, and imprisonment for a term not exceeding six months, and shall, moreover, be forever thereafter incapable of holding the office of postmaster in the United States.

Sec. 33. In those offices where the commissions allowed to the postmaster are equal to or exceed one thousand dollars, there shall be appointed by the president and senate a deputy postmaster.

Sec. 34. Assistant postmasters and clerks shall be exempt from militia duty and serving on juries.

Sec. 35. Provides for the advertising letters remaining in the post offices.

Sec. 36. No postmaster shall receive free of postage any letter or package containing any other than paper or money, under a penalty of fine and dismissal.

Sec. 37. Provides for the releasing of the original sureties of a postmaster by substituting others.

Sec. 38. Any person who shall be accessory after the fact to the offence of stealing any letter or packet from the mail of the United States by any person whatever, shall upon conviction thereof be fined not exceeding one thousand dollars and imprisoned for a term not exceeding five years.

Sec. 39. The postmaster general is authorised to establish an express mail, in addition to the ordinary mail, and to charge triple the amount of postage for letters carried by it.

Sec. 40. In case of the death, &c. of the postmaster general, his powers shall ad interim devolve on the first assistant postmaster general.

Sec. 41. Subjects the letter carriers in every city to the control of the postmaster general.

Sec. 42. Provides for the transportation of the mail by canals.

Secs. 43 and 44. Define the amounts of the salaries of the assistant postmaster general and his clerks, and of the auditor and his clerks.

Sec. 45. Three millions, one hundred and fifty thousand dollars shall be appropriated for the service of the post office department for the year commencing on the first day of July, 1836.

DEATH OF BISHOP WHITE.

The annexed extra from the office of the U. S. Gazette, realizes the apprehensions which have been for several days entertained, that the patriarch of the Episcopal church in this country, the venerable bishop White, was about to disappear from the midst of us.

The time of his dissolution was, it will be seen, identical with that in which the various Episcopal congregations of this state, were, at the request of the bishop of the diocess, uniting their voices on behalf of the venerable patriarch in the beautiful supplication of their ritual for a sick person:

Office of the U. S. Gazette, Sunday, 4 o'clock, P. M.

DEATH OF BISHOP WHITE. We have this morning the painful duty to announce to our readers, the death of the venerable William White, D. D. bishop of the Episcopal diocess of Pennsylvania, and senior of that church in the United States, and at his death believed to be the oldest Protestant bishop in the world. Bishop White was born (we believe) in Maryland, on the 4th of April, 1748, so that he is more than 88 years of age. He was a sound whig in political principles at the time when the profession of such principles involved important considerations. He was for a long time the chaplain of congress, and when that body, to avoid the victorious British, removed from one place to another, Mr. White shared in its removals and its perils.

In the year 1786, Mr. White and two other Episcopal clergymen repaired to England to receive the office of bishop. Mr. White, and we think his reverend companions also, were consecrated on the 4th of February, 1787, by the arch-bishops of Canterbury and York—other prelates being present.

Bishop White has consecrated every bishop of the Episcopal church in the United States excepting only the bishop of Michigan, who has received consecration since the confinement of this venerable friend to his church.

Bishop White has been remarkable in his long life for the faithful discharge of all his duties as a citizen, not less than those of a clergyman; and if neither heat nor cold prevented his appearance in the sacred desk, so also the mutations of weather were equally inoperative to keep him from the ballot box—from public meetings or religious or philanthropic occasions—or even from a scene of conflagration, while he had strength to be of service to his fellow men.

The majestic form of the venerable deceased was seen, until a short time before his death, in our streets, with gratification by every citizen, and the respectful salutations of all that addressed him, showed how general and how deep was the respect which his long life of piety had inspired.

The bishop was one that seemed to connect the present generation with the great and good that had passed away, and our citizens, (we need not confine the remark to the Episcopal denomination), our citizens felt a degree of justifiable pride in the consciousness that a man so loved and so revered, was of their number. It is not strange, then, that during his last sickness, they should have inquired with eager expectancy for his health—or that at his death there should have been a general gloom: a great and a good man had been taken away, and it was seemly that the people "should take it to heart."

Bishop White, after lingering for a few weeks, died yesterday, about 15 minutes before 12 o'clock, noon—retaining his mental faculties to the last moment. In the morning, several clergymen on their way to church called to see him. He inquired after their health with his usual urbanity of tone; and while surrounded by a few friends, not of his immediate family, he ceased to be of them. There was no struggle to mark the moment of his spirit's dissolution; but he passed from life as he passed through it—calm and serene, and full of edification.

THE CROPS.

From the Baltimore American.

The unfavorable reports which have been made in the course of the present summer in reference to the grain crops have created apprehensions that the yield of the harvests would be so materially lessened as to cause a considerable advance in the prices of bread stuffs during the ensuing year. The season has been marked by complaints—much more numerous and decided than those which we are accustomed annually to hear—of the injury sustained by the wheat during the severity of the winter, and more recently by the ravages of the Hessian fly, and these complaints have not been confined to any particular quarter, but have issued from almost every grain growing section of the middle states. As we have already intimated, reports of this character have for years past regularly attended the development of the growing crop, and in most cases the fears of those who have uttered them have, happily, not been realized. The frequency, universality and loudness of the complaints of the present season, however, evidently indicated that they were better founded than usual, and in order to ascertain as clearly as possible their true character, an enterprising and intelligent citizen took the trouble of addressing a copy of the annexed circular to each of the postmasters in the various counties and towns of the grain growing states:

"*Baltimore, June 13th*, 1836.

"SIR: Considering it a matter of much importance that correct information on the subject of the grain crops throughout the country should be collected, and with a view to the dissemination of such information in the case the fears of those who apprehend an unproductive yield in the approaching crop should be likely to be realized, I take the liberty of requesting that you will be pleased to inform me of the probable result in your immediate neighborhood. By filling up the blanks in the annexed half sheet, with such one of the following words, viz: *good, average, indifferent, bad, very bad*, as may be applicable to the case, adding any other matter that you may deem important, and returning it to me, under your frank, you will much oblige, &c."

The object of the circular was to obtain correct information, and in seeking for it over so wide and extended a field, no better, more intelligent nor more disinterested sources could be referred to than the postmasters. In very many instances prompt replies were returned, the whole of which have been kindly placed in our hands for the purpose of being given to the public. We have therefore proceeded to classify them according to the states to which they belong, and submit them to the reader without further remark:

NEW YORK.

Counties.	*Wheat.*	*Rye.*	*Oats.*	*Corn.*
Schenectady	average	average	average	promising
Onondaga	¼ an average	none	good	uncertain
Delaware	not a wheat co.	good	good	indifferent
Broome	indifferent	indifferent	good	indifferent
Greene	average	average	average	indifferent
Seneca	good	not good	promising	uncertain
Yates	⅔ of a crop	average	good	promising
Orleans	indifferent	short crop	good	uncertain
Lewis	indifferent	short	good	bad
Otsego	average	half crop	good	half crop
Steuben	average	average	good	promising
Westchester	good	good	good	bad
Alleghany	average	average	good	uncertain
Tioga	not ½ crop	average	good	indifferent
Cayuga	indifferent	average	good	good
Erie	indifferent	none sown	average	bad
Columbia	indifferent	average	very good	bad
Cattaraugus	average	average	very good	not good
Essex	not a wheat co.	promising	good	uncertain
Suffolk	bad	average	very good	indifferent
Ulster	bad	average	good	indifferent
Maysville	average	not much grown	good	very bad

NEW JERSEY.

Counties.	*Wheat.*	*Rye.*	*Oats.*	*Corn.*
Gloucester	indifferent	very bad	good	indifferent
Bergen	good	average	good	indifferent
Burlington	indifferent	very bad	good	average

PENNSYLVANIA.

Counties.	*Wheat.*	*Rye.*	*Oats.*	*Corn.*
Pike	indifferent	average	good	bad
Cumberland	very bad	average	promising	promising
Westmoreland	average	average	good	uncertain
Berks	less than ¼ a crop	tolerable	promising	promising
Franklin	very bad	average	very good	uncertain
Lycoming	⅓ of an average	not good	promising	uncertain
Lancaster	entirely destroyed by fly	⅓ a crop	good	promising
Tioga	average	average	good	promising
Wayne	not a wheat co.	bad	good	bad
Centre	average	—	—	—
Huntingdon	fair	—	—	—
Mifflin	⅓ short	—	—	—
Northumberland	indifferent	—	—	—

DELAWARE.

Counties.	*Wheat.*	*Rye.*	*Oats.*	*Corn.*
Kent	bad	indifferent	very good	promising
Sussex	none	fair	good	⅓ crop

MARYLAND.

Counties.	Wheat.	Rye.	Oats.	Corn.
Washington	very bad	very bad	promising	promising
Dorchester	very bad	bad	good	bad
Frederick	not more than ½ of a crop	½ average	good	promising
Cecil	less than ½	average	average	bad
Worcester	very bad	indifferent	good	not good
St. Mary's	fair	average	promising	uncertain
Caroline	not ½ the seed	very light	very good	promising
Somerset	very bad	average	very good	good

VIRGINIA.

Counties.	Wheat.	Rye.	Oats.	Corn.
Dinwiddie	very bad	fair	very good	indifferent
Chesterfield	about the seed	small crop	best in the world	uncer.
Powhattan	very bad	none	very good	uncertain
Nansemond	indifferent	little sown	very good	average

OHIO.

Counties.	Wheat.	Rye.	Oats.	Corn.
Fairfield	½ crop	little sown	abundant	promising
Wayne	good	little sown	good	uncertain
Ross	indifferent	average	good	promising
Crawford	not a wheat co.	little sown	good	uncertain
Columbiana	very good	good	very good	middling
Clinton	average	good	very good	promising
Holmes	¾ of a crop	little sown	promising	uncertain
Seneca	very good	very good	very good	bad

ILLINOIS.

County.	Wheat	Rye.	Oats.	Corn.
Salem	indifferent	average	good	generally late

In various instances the postmasters have accompanied their returns with remarks going more fully to explain the condition of the crops. Portions of these remarks are subjoined, in order that the reader may have all the light on the subject which they furnish.

NEW YORK.

Angelica, Alleghany co. Unless something more happens, there will be a tolerably fair crop in general.

Bedford (N. Y.) and vicinity, West Chester co. Wheat, rye and oats looks very well, and a prospect of good crops.

Bath, Steuben co. In the counties east of us, large fields of wheat have been ploughed up and corn planted. The grain was smothered by the deep and long continued snow of last winter.

Martinsburg, Wheat is winter killed—there will not probably be over half a crop.

Albion, Orleans co. The wheat crop in this county not considered more than two-thirds of an average. Much injured by deep snow in the winter.

Penn Yan. This is probably one of the best districts for wheat in the union, and I think crops will be abundant, but more from the quantity of ground occupied. Wheat is, in this section, the main crop. [The yield of wheat is put down at about two-thirds of a good crop.]

Auburn. The wheat crop in this section of the state east of a line drawn north and south through Cayuga lake, is not likely to produce more than two-thirds of the usual quantity. West of that line the wheat crop is much better, and will probably amount to an average.

Riverhead. Wheat is very much winter killed—probably there will not be over two-thirds of an average crop.

Binghampton, Broome co. Wheat and rye very much winter killed. The crops will be hardly middling.

Syracuse, Onondaga co. Wheat will produce less than one-fourth of last year's crop—hardly enough for bread and seed. Last year this county produced probably 500,000 bushels. This is the first year since 1828, that our wheat crop has failed. It being known early in the season, that the wheat was killed, our farmers turned their attention more vigorously towards coarse grains, of which it is pretty safe to anticipate a large yield. Wheat, however, is our staple, but in all the counties east of Cayuga lake, the harvest must be exceedingly small.

Essex county. Not much wheat raised in this county—what there is looks well.

PENNSYLVANIA.

Wellsborough, Tioga co. The wheat and rye have been injured by the snow, but the weather has since been favorable for the winter grain, and we have a prospect of a fair average crop.

Williamsport, Lycoming co. I have never seen so general a failure in the wheat crops.

Reading, Berks co. The fly has perhaps never been in our country so destructive to the wheat as this season. The rye crops look tolerably well.

Greensburgh, Westmoreland co. Wheat will be a fair common crop—about one-fourth less than last, which was abundant.

Carlisle, Cumberland co. The late and long continual rains have injured the crops in some parts of this county, but recently they have much revived in appearance.

Milford, Pike co. The prospect for wheat is supposed to be hardly half a crop.

Lancaster. The wheat crops have so completely failed, that many of the farmers who have disposed of their last year's crops, have purchased for the coming year. Farmers who raised last year from 1,000 to 1,500 bushels will this year scarcely have sufficient for seed.

Chambersburg, Franklin co. From the best information I can obtain, this valley, from the Potomac to Philadelphia, will not give more than the seed and bread. Many of our farmers will not have their seed. We have a good deal of old wheat in this county.

DELAWARE.

Georgetown, Sussex co. There is very little wheat raised in this county, and the last winter destroyed the small crops that were sown. Corn is our staple, and the present prospect is that there will not be half a crop.

Dover, Kent co. Wheat and rye much injured by the winter and fly. Oats remarkably fine, and very good prospects for a large crop of corn.

MARYLAND.

Elkton, Cecil co. Many of our farmers will not have more than their seed from their wheat fields, and some think they will not have even that.

Denton, Caroline co. Of wheat there is not enough to half sow the same ground.

Snowhill, Worcester co. The crops of wheat will not much more than yield the seed.

Cambridge, Dorchester co. Throughout this county there is not one farm that will yield a fair average crop of wheat; the late rains improved the appearance of the wheat crop very much, but the prevailing winds during the whole time, bruised the heads to such an extent that nearly one-half of what has headed out will be destroyed by the blast. In our low lands the opinion prevails that the corn crop will be almost entirely lost; on the uplands, the prospect is fair.

Hagerstown, Washington co. Our wheat crops were never so poor throughout the whole county. There will scarcely be enough raised for seed and bread. Rye is a shade better, but very indifferent. The oats and corn crops look well. Farmers are sowing buckwheat and millet in their wheat fields.

Frederick, Frederick co. Wheat is very bad—not more than one-fourth of an average. The rye crop in this immediate neighborhood will be less than half a crop. The appearance of the corn and oats has materially improved within the last ten days, and with a continuance of favorable weather, both will be very large, as many wheat fields were ploughed up and planted in corn and oats.

Leonardtown, St. Mary's co. The crop of wheat is not an average of the last five or ten years, though more promising than last year.

VIRGINIA.

Suffolk, Nansemond co. Corn crops much injured by constant rains, but the last ten days of good dry weather has improved them much.

Scottsville. Some farms will not make as much wheat as was sown.

Chesterfield court house. The wheat seeded in this county will not average more than two or three for one.

OHIO.

Tiffin, Seneca co. The general impression is that our crops of wheat, rye and corn will be more abundant than they ever have been heretofore.

Wilmington, Clinton co. More wheat sown last fall than usual. I am of opinion this county will produce more wheat than last season.

Wooster. The drought in April and May, and the constant rains which succeeded, it was feared would destroy the prospects of the farmer, but for the last two weeks the weather has been fine, and all sorts of grain look promising.

New Lisbon, Columbiana co. We rarely have any but good crops in this region, and the present promises about as usual.

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To render more full and complete the information which we desire to lay before our readers on this interesting subject, we annex paragraphs which have passed under our notice within the last ten days:

From the Genesee (N. Y.) Farmer.

WHEAT. The season is now so far advanced that a tolerable conjecture may be formed as to the state of the wheat crop, and the effect produced upon it by the past winter. From our limited observation and from what we have been able to learn from various authentic sources, it appears that in what is called western New York, which is emphatically the wheat district of the state, the wheat has suffered to an extent quite equal to what was first apprehended. The western counties extending to Wayne and Seneca, may expect a medium crop—in Wayne, Seneca and Cayuga counties there is much wheat that promises well, but as a whole, it has been a good deal thinned, and many pieces entirely destroyed—while farther east, Onondaga, Oswego, Madison and Oneida counties, the wheat has suffered still more extensively. In the most favorable section of Onondaga, where the crops have rarely if ever failed, but few first rate pieces are to be seen; while in the less favorable sections hundreds of acres have been totally destroyed, and have been ploughed up for spring crops. The same remarks, but in greater extent, are applicable to Madison and Oneida.

But though the past winter has destroyed much of the wheat, if what remains produces an ordinary yield there need be no apprehension of a deficiency of bread stuffs. There is at the present moment a vast amount of wheat in the country of last year's harvest, greater perhaps than has often been known, and farmers are in every section industriously endeavoring, by an extended culture of the coarser and spring grain, to supply

any apprehended deficiency that may arise from the defect of the winter on their wheat fields.

The agricultural report of the crops in the vicinity of the city of New York, for the month of June, says—

In the early part of the month the rains continued unabated, and many were fearful the crops would be destroyed. At the close of the month however, there was a change and fine weather commenced—before the month closed the hopes of the farmer were gladened.

Wheat and Rye appear well, stocks large with every appearance that the bolls will fill well, in wet spots it is thin, no fly or blight has injured it in the least; on the whole—there will be a fair crop.

Corn looks the worst of any thing else, and is very backward, and may be injured.

In Pennsylvania, west of the mountains, the accounts are decidedly favorable. A late Pittsburgh Advocate says—

"We perceive that our eastern brethren are loud and lugubrious in their complaints of the crops, particularly the wheat. The crops in this section of country have not failed or come short of their exuberance. On the contrary, our farmers tell us that they are promising beyond any former season, and bid fair richly to reward their toils."

The Wilkesbarre Farmer says—

"In our last we spoke of the unfavorable appearance of the crops in various parts. We have since had an opportunity to view the fields in this neighborhood, and are happy in being able to say they are the most promising we have seen in any quarter."

The recent convention at Harrisburgh brought together citizens from various parts of Pennsylvania. The result of the inquiry addressed to them on the subject of the crops of grain was, that the fears which had been entertained a few weeks since of a considerable failure, will not be realized."

In Maryland, from all the information we can gain on the subject, we have no doubt there will be a very material falling off in the wheat crops—not only in the western counties but throughout the eastern shore.

In Ohio there is the promise of an abundant crop of all kinds of grain. The Tuscarawas Advocate states that the crops in that region never presented a better appearance for a bountiful harvest. The Cincinnati Gazette of the 6th inst. says that the harvest had commenced in the Miami country, and that the wheat is considered below an average.

Respecting the crops in Virginia, we have the following account in the Farmer's Register, published at Fredericksburg. This account is up to the 27th June, and it is likely that the favorable weather since experienced may have improved the crops. The statements here given are confirmed by numerous letters published in the Register.

The season and state of crops. From all the accounts before us, public and private, it is inferred that the wheat crop throughout Virginia, will fall short of half an average crop—and that the whole wheat crop of the United States will be not much better than that of Virginia alone. We subjoin, in extracts from private letters, many of the facts that have reached us: but none of these, except the one from Halifax, Virginia, even refer to the latest and worst calamities, caused by the inundation of most of the rich and extensive river bottoms of Virginia and North Carolina. The great source of injury to the wheat, and which was anticipated as far back as last October, and expected then to be unusually destructive, was the Hessian fly. In addition to this, and to other minor evils, the very wet season latterly has done great damage, either by filling the soil with water, or entirely overflowing its surface. In the latter part of May, and first half of June, there were 21 days in succession, on which more or less of rain fell—and some of these rains came in floods: and even since the close of this uninterrupted series, there has been an unusual quantity of rain On high land, the usual estimates of crops expected, vary from one-fourth to three-fourths of an average. In some fewer cases, they are worse and better than these ordinary extremes, varying from nothing worth reaping, to nearly a fair product. Of the latter cases, very few have been heard of—and those not very lately. From the newspapers, we learn that in Buckingham and the nearest adjacent counties, the wheat was tolerably fair, and near Wheeling still better: if so, these are the only parts of Virginia as much favored, of which we have heard. On our own farm, we cannot estimate the crop of wheat at more than the fourth of what the land could produce: and where the damage from the fly was the least, and the general growth the best, there the damage was greatest from *scab*, or empty or dead parts of heads. The quality of the grain will be very bad.

But the rich bottom lands on our rivers have suffered most. They have all been covered by freshets, and to very unusal depths. The Roanoke bottom lands have suffered most. The wheat there is almost entirely destroyed, as well as other crops—and the soil itself, in many parts, has been carried off by the floods, so that the damage to the land is even of more amount than the entire loss of the year's crops.

Two more days, (the 25th and 26th), have passed since the foregoing remarks were written, and on both rain had fallen profusely and heavily: the consequent increase of damage to wheat will be necessarily great. Where ready for the scythe, it must be much beaten down and tangled by the heavy rain of last night; and where still green, there is danger of the rust coming to destroy much of the quantity and value of the small product previously expected.

RAIL ROADS AND LOCOMOTIVES.

From the Albany Argus.

Letter from *James Seymour*, division engineer of the New York and Erie rail road; in respect to the curvature and graduation of that and sundry other roads.

New York, Jan. 11, 1836.

SIR: Having recently, in pursuance of your directions, visited and examined the several rail roads between this city and Washington, I beg leave to submit the following account thereof for the consideration of the board of directors.

1st. The Patterson and Jersey city rail road length 16 miles. The train of cars was drawn by one locomotive engine from Patterson to the Bergen Ridge, with forty passengers, at the rate of 12 miles per hour, passing over curved lines varying from 400 to 600 feet radius, and ascending a grade for a distance of half a mile, at the rate of 45 feet per mile upon a straight line. The engine ascended this grade with a velocity of 11 miles per hour; over the remainder of the distance, not yet completely finished, the cars and passengers were drawn by horse power.

2d. The Amboy and Camden rail road, length 65 miles. Over this road the daily train of cars, containing from 50 to 150 passengers, are drawn by an engine weighing 7½ tons, at from 12 to 15 miles per hour, ascending a grade of from 40 to 50 feet per mile, for a distance of about 3 miles, upon a part of which ascent, there is a curved line of 750 feet radius; the remainder of the road slightly undulating.

3d. The Philadelphia and Trenton rail road, length 30 miles. This road is nearly level. A train of cars containing 60 passengers, was drawn over this road at the rate of 14 miles per hour, by a locomotive engine weighing 8 tons.

4th. The Philadelphia and Columbia rail road, length 82 miles. Upon this road there are two inclined planes located for stationary steam power. The first is located immediately west of the Schuylkill river, near Philadelphia. One train of the cars was drawn up this plane by the stationary steam engine, another by horses, and the delay in passing was half an hour. Its length 3,300 feet, vertical height 165 feet. Trains containing 40 passengers (20 in each) are drawn from the head of this plane by a locomotive engine 8½ tons gravity. The road presents acclivities of 30 feet, and in one instance of 45 feet to the mile, and numerous curves, many of which are from 600 to 800 feet radius. An inclined plane of 1,800 feet long, and 90 feet vertical height, descends to the Susquehannah river at Columbia. Arrangements are in progress to supersede one or both of these places, by a new location, presenting grades of about 80 feet to the mile, to be traversed by locomotive engines. Vexatious delays are experienced on this road, owing to the fact that the state of Pennsylvania provides the motive power managed by state agents, and gives to transportation companies only the privilege of attaching cars. This destroys that systematic arrangement throughout the line which is necessary on a work of this kind, and which uniformly can only be adequately secured by subjecting the whole business of transportation to the sole management of one set of agents.

5th. The New Castle and Frenchtown rail road, length 16 miles, and no ascent over 25 feet per mile. The train of cars containing 60 passengers was taken at the rate of 18 miles per hour. The greater portion of this road is either straight line or curved upon a large radius.

6th. The Baltimore and Ohio rail road, which is in operation only as far as Harper's Ferry, length 82 miles. In travelling over this road, I was favored with the company of P. E. Thomas, esq. president of said road, to whom I am indebted for the following information. Between Baltimore and Ellicott's mills, a distance of 15 miles, the road is level from 7 to 8 miles, and the remainder ascends from 13 to 21 feet per mile. From this point 23 miles west, the line ascends from 18 to 38 feet per mile. This part of the line presents generally a succession of curves to the right and left, varying from 318 to 700 feet radius, and many of them as small as 400 feet. The grade in the next 4 miles rises from 38 to 45 feet per mile. A part of this is straight and the remainder curved 600 to 1,000 feet radius, with the exception of a few of the curves, which are larger, making the distance 42 miles to the foot of plane No. 1, on the east side of Parr's Ridge. An engine of 7 and a half tons gravity took two passenger cars 30 feet long, containing 50 passengers, from Baltimore to this point, at the rate of 14 miles per hour; and passed over the ascents and curved lines with the same velocity as upon the straight lines and levels, and upon the last mile which has an ascent of 45 feet, at the rate of 16 miles per hour.

We could have travelled over the 42 miles with a greater velocity, had not the general regulations of the company limited the speed to 14 miles per hour.

The principal ridge encountered between Baltimore and Harper's Ferry, is called Parr's Ridge, the summit of which is distant 44 miles from that city, and present an elevation of 817 feet above the tide level. At the time when this road was located over this ridge, about the year 1820, it had not been supposed to be practicable to ascend with locomotive engines with loaded trains, upon grades exceeding 30 feet to the mile, and therefore in order to pass this ridge, four inclined planes arranged for stationary engines, were adopted at grades respectively of 76, 87, 176 and 253 feet per mile. Since the recent improvements, however, in the Baltimore locomotives, much exceeding in power the comparatively feeble engines imported

from England, the Baltimore and Ohio rail road company have resolved to locate anew this section of their road, as to dispense with these plains, and to adopt a more circuitous route over the ridge, upon which the grades will be reduced to 80 and 100 feet per mile, and will be passed exclusively by locomotive engines. The planes as now located are passed by applying auxiliary horse power, but they have been lately surmounted with one of the Baltimore locomotive engines, drawing 33 passengers and other freight. The length of the planes are respectively as follows: 2,150, 3,100, 3,400 and 1,900 feet, and the aggregate distance from the foot of the most easterly to the most westerly plane about four miles.

I was informed by Jonathan Knight, esq. chief engineer of that road, that it is proposed to pass the ridges of the Alleghany mountains lying west of Cumberland, exclusively with locomotive power, encountering grades from 50 to 100 feet to the mile, and containing an aggregate length of about 55 miles. That company estimates the actual cost of traction on those heavy grades at *two* cents per ton per mile, and on the grades less than 30 feet per mile, at less than *one* cent per ton. The road with the planes as now located is very extensively used for the transportation, not only of passengers and merchandise, but also of flour, lumber, tobacco, and the general agricultural products of the country.

The net revenue for the year 1835, arising from the section of 82 miles of this road now finished, after deducting all expenses of transportation on and repairs of the road and machinery, amounted to $106,163 71, being an advance of about 35 per cent. on the net revenue of the preceding year, which was $72,574 14.

7th. The Baltimore and Washington rail road, which diverges as a branch from the Baltimore and Ohio rail road, at a point 9 miles west from Baltimore. The length of this road from Baltimore to Washington is 40 miles, and is traversed by a locomotive engine of 7½ tons, drawing passenger cars which are 34 feet long, and unusually commodious, containing 70 passengers, together with the baggage car, at a velocity of 16 to 20 miles per hour.

On my return from Washington to Baltimore, the same engine drew three of these large passenger cars containing 140 passengers, together with the baggage and baggage car, at the same speed before mentioned.

The locomotive engines are able, however, to travel much faster upon this road, having passed a number of times from Baltimore to Washington in one hour and a half, conveying from 75 to 100 passengers, passing over a part of the road at the rate of 40 miles per hour upon a straight line. An agreement was made to deliver the president's message in Baltimore in 40 minutes, or at the rate of 60 miles per hour, and it would have been accomplished but for the circumstance that after the engineer had started and obtained the velocity proposed, the fireman became alarmed at the speed, and put out his fire. The engines upon the different rail roads above mentioned, have horizontal boilers, and generally burn wood. Those upon the Baltimore and Ohio rail road, and the Baltimore and Washington rail road use anthracite coal, and have vertical boilers. This plan of engines I consider preferable to those with the horizontal boiler, particularly upon steep grades, as it prevents the water from varying from its place. The use of coal is also preferable, as well on account of bulk, as in maintaining a more uniform and regular amount of steam; and in avoiding the smoke and sparks, which are found exceedingly inconvenient, unpleasant, and even dangerous, on the roads where wood is used.

Notwithstanding the very great improvements which the locomotive engine has experienced within the last seven years, I have no doubt that it is destined to undergo alterations which will still further augment its power and usefulness, and enable it to travel with safety at the rate of 30 miles per hour, with passengers, over grades varying from 10 to 30 feet per mile, where the curves are of not too small a radius.

I consider the engines made at Baltimore better than those that are imported from abroad. An English engine arrived at Baltimore a few days since, which was destined for a rail road in Virginia; but being tried upon the Baltimore road, ran off the track once or twice. The foreign engines appear much better calculated for very straight and level roads, than those which must be constructed in this country.

The state of Pennsylvania has expended $100,000 for English engines, but has recently concluded to abandon the use of them, and hereafter to order their engines made in this country.

It has been ascertained by actual experiment, upon the Baltimore and Ohio, and the Baltimore and Washington rail roads, that one of the American locomotives, weighing 8½ tons, will draw upon a level road, 200 tons of freight, at the rate of ten miles per hour; that the same engine will draw upon an ascent of 25 feet per mile 100 tons, and 50 tons on a grade of 50 feet at the same rate of speed; and that by adding another auxiliary engine of the same power, the same weight may be propelled with the same velocity on a grade of at least 90 feet to the mile.

By a comparison of the facts above ascertained, with the table of the grades and curvatures on the New York and Erie rail road, the advantages will be found much in favor of the latter. There is no grade on the New York and Erie rail road which will exceed 90 feet per mile, and that only for one and a half miles in distance upon the western slope of the Shawangunk Ridge. There are a few places where a grade from 60 to 80 feet per mile for a short distance will be required; but on much the greatest portion of the road the grades will be reduced within 30 feet per mile. There will be no curves on any part of the road less than 700 feet radius, and but one as small as that; and we have fortunately been able in all cases where we have been compelled to adopt curves which would have otherwise diminished the usefulness of the engine, to regain the portion of power thus lost, by reducing the grade in that part of the road, and thereby to equalize the loss by curvature by a corresponding gain in acclivity.

The loss of power on a curve of 700 feet radius, at a speed of 12 miles to the hour, is found in actual practice to be about equal to an increase of acclivity of 18 feet to the mile, so that it is only necessary to flatten the grade to that extent wherever we have been obliged to submit to a curvature as sharp as that presented by a radius of 700 feet—and in that proportion for curves more gentle. It is by pursuing this plan, and thereby avoiding the excessive and useless expense incurred in attempting, as it were to *force a line* to a course which will be absolutely straight and level, that we have been able to avoid the mistakes in that respect of the English engineers, and to reduce within so moderate an amount the estimate cost of the New York and Erie rail road. You will perceive that the curves upon the Baltimore and Ohio rail road are much more severe than those upon the New York and Erie rail road, being frequently on a radius of 400 feet, and once as high as 318 feet; and nevertheless their locomotives pass over these curves without difficulty, at the rate of from 14 to 16 miles per hour.

The rail used on that road is the flat plate rail laid in part on wood and in part on stone. The different modes of superstructure presented by the modes above mentioned, together with the plan which will be most expedient for the New York and Erie rail road, I propose to make the subject of future communication, and I beg leave to conclude by stating, that an examination of the difficulties overcome on the roads above mentioned, compared with the facilities as to graduation and curvature presented by the New York and Erie rail road, cannot but remove any doubts as to the feasibility or usefulness of the latter work.

All of which is respectfully submitted, your obedient servant,
JAMES SEYMOUR.

To *Jas. G. King, esq. prest. of N. Y. and Erie rail road com.*

MORAL MANAGEMENT OF THE INSANE.

We published not long since an account of the charge of treatment in the cases of insanity effected by the courage and humanity of a French physician of the name of Pinel. We perceive that the enlightened and intelligent Bostonians are pursuing the same system of management with great success. The following is an abstract of the report of the trustees of the McLane hospital, in Charlestown, taken from the Boston Transcript:

There were remaining in the asylum for the insane, and admitted from the 1st of May to the 1st of January last, 136 patients—84 males and 52 females—of whom 69 were old cases and 67 recent. There were 55 admissions and 59 removals—of the latter 6 were by death—3 not improved, 3 convalescent, and 25 recovered.

The system of moral management is still successfully pursued, and in addition to the usual diversion, and occupations, weekly dancing parties have been introduced, and religious services on the Sabbath. These stated observances are of incalculable benefit to the patients, the mind is thus provided with something to fix upon, and to anticipate, and the labor of preparation is seen and heard for days in advance; the females in preparing their dresses, and both males and females in practising the figure of the dance. Thirty to forty have daily attended on family worship; and in no instance has there been any disturbance, nor any injurious effect; on the contrary, the influence has been highly salutary, and many who have recovered have spoken of these exercises, as having contributed to their restoration. The patients rise and dress about half an hour before breakfast. After which, they are taken out to walk, or to ride, or are engaged as far as possible, in useful labor, as farming, sawing, splitting and piling wood, or assisting their attendants: and a few are engaged in mechanical employments. A large number are occupied more or less in the amusements of bowling, quoits, throwing the ring, and in chequers, chess, back-gammon and other games; and in the interval of these amusements, reading books from the library, newspapers and writing, serve to fill up the time. After tea they are assembled in the oval room, for family worship, which consists in reading a chapter from the Bible singing two hymns and a prayer.

Once a week all the female patients who are well enough, assemble in the house, and spend an afternoon in sewing; while thus employed, some interesting book is read, or they are engaged in conversation, and are indulged in occasional relaxation and amusement; these stay to tea with the family and to attend the "Belknap (so named, in honor of Miss Mary Belknap, a munificent donor to the institution), sewing society," is a privilege, which nearly all are anxious to enjoy; the work for which they received pay the last quarter, amounted to sixteen dollars and thirty-nine cents. Quiet and convalescent patients, are also taken to church; to visit places of interest and amusement; dine at the family table; and sit in the parlors; they are made to feel as far as possible, that in going here, they have only found a new home, new friends, new brothers and sisters. The asylum must be a blessing indeed.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

By the advices inserted under the proper head, it will be seen that gen. Gaines has projected a march into the province of Texas. From the temper manifested in this movement, we anticipate an angry collision with the Mexican government, which will have strong grounds of complaint against the infraction of the treaty of peace and amity existing between her and the United States.

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EXPRESS MAIL. By reference to an article from the "Washington Globe," published in the present sheet, it will be seen that the post office department contemplates the establishment of an express mail from New York to Mobile, Alabama, where it will fall into the great mail and be carried by steamboats to New Orleans. The time proposed to be occupied in the conveyance between New York and New Orleans is about six days and a half; the regular time for the present mails is little over thirteen days.

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SMITHSONIAN BEQUEST. It is stated in the Philadelphia papers that Richard Rush, esq. has been selected by the president of the United States to carry into effect the bequest left by Mr. Smithson, of England, to the people of the United States, for the purpose of establishing a university in the city of Washington.

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GEN. SCOTT, it is stated in the Intelligencer of Thursday last, has returned from New York, whither he went, it is said, in the hope of overtaking the secretary of war, and is now on his way to join his family in Richmond. It is rumored that gen. Scott has applied for a court of inquiry to investigate the circumstances attending his operations in Florida and in the Creek country. The fact that there was no person at the seat of government to whom he could report himself, on his arrival there, has caused much and severe comment: and the manner of his recall, which, it is said, was somewhat summary and harsh, has also caused much feeling among his friends.

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All the heads of department, with the exception of the secretary of the navy are, or were recently, absent from the seat of government.

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TEXAS. Mirabeau B. Lamar, late secretary of state, has been appointed major general and commander-in-chief of the Texian army, and has issued an address to his troops, which we publish. Gen. Rusk retires from the field to the cabinet. The cabinet is said to be distracted by jealousies, and several changes in the government are spoken of. Dr. Archer, it is said, will be the next president, to succeed Burnett, who is becoming unpopular.

The Texians and the Mexicans both seem to be animated by enthusiasm. The former were, almost daily, receiving reinforcements from the United States, and the latter were rising *en masse*, and forming into military bodies for the purpose of proceeding to Texas. The Mexican forces, about 5,000 strong, remain stationed at Nueces, under the command of gen. Ganero. The Texian army, estimated at about 3,000 men, were in the neighborhood of Victoria.

Santa Ana has been taken to Columbia and put in irons, with a strong guard over him. His suite are with him. The Texian soldiery are much incensed against the captive general, and an attempt to shoot him with a pistol, which was fired at him, was prevented by the timely interference of his guard. The excitement was occasioned by the return of the Mexican army into Texas.

It was rumored that Santa Ana had written to president Jackson, asking him, or the government, to be his security for any treaty which he may enter into with the Texians. He is said to have informed them that they have no reason to apprehend an attack from his countrymen, as he would issue a proclamation that would induce them to evacuate, without striking a single blow. But if the following article, from the "Washington Globe" of Thursday last, correctly represents the sentiments of the president, Santa Anna's request will not find much favor in his eyes—even if he feels himself authorised to consider it.

From the Washington Globe of Thursday last.

SANTA ANA.

The Georgetown Metropolitan takes a warm interest in the fate of Santa Anna, and by way of giving its sentiments in regard to him some importance, undertakes to utter them for the president of the United States.

"It is understood (it says) that the president of the United States has expressed the greatest solicitude for the fate of the illustrious prisoner, whom the fortune of war has thrown into the hands of the Texians."

Santa Ana's advocate directly inverts the opinions of the president, unreservedly expressed by him to all who have conversed with him, and repeatedly stated in our presence. So far from ever having "the greatest solicitude for the fate of the illustrious prisoner," the president has again and again declared that he deserved the most ignominious death; and that the only justification for the lenity shown him, was to be found in the condition of Texas, which might make it proper to subject the demands of justice to the policy of getting rid of the armies of Mexico, through the influence of their chief.

The New Orleans Advertiser of the 13th says, general Almonte, one of the Mexican prisoners, "was shot at by a soldier a few days since, and narrowly escaped, the ball passing two or three inches above his head. The *gentleman* who fired at him had lost one of his dearest friends and relatives."

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CREEK WAR. For our summary of news relative to the Creek war, see page 364.

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FROM FLORIDA. We have many rumors of Indian outrages. Their operations are chiefly confined to the sides of the St. Johns' river, on which, it is said, they have resolved to destroy all the settlements. They had killed a Mr. Bullum, who resided about four miles from Whitesville—his wife and children escaped to Gary's ferry. They had also fired upon col. Hallow and wounded him in the head, causing him to faint and fall. He, however escaped to the steamboat Essayons, with his friend Dr. Simmons and some negroes. His house was burned, as well as that of Dr. Simmons. On receipt of this intelligence at Picolata, the commanding officer sent a detachment of twenty men in pursuit of the marauders, who were stated by one of col. Hallow's negroes to be thirty in number.

Captain Curry, of the Florida militia, had been sent from Mandarin to Gary's ferry, to escort a train of baggage wagons, containing provisions and supplies for the troops, from thence to Fort Drane. On this expedition he found that the Indians kept in his immediate vicinity, frequently encamping within three miles of his troops. On his return to Gary's ferry, he discovered a number of Indian trails, from which he ascertained that they were proceeding towards Jacksonville.

Capt. C. says there were 140 of the troops sick at Fort Drane—among them five out of seven of the officers.

Fifty-two persons had died at Black creek, in forty days, from measles and diarrhœa.

The inhabitants of Jacksonville were in a state of great alarm, and were embarking, with their effects, on board the schooner Motion, capt. Willey, bound for St. Mary's.

The Tallahassee "*Floridian*" of the 16th inst. says, that arrangements are in progress for an expedition to the Wythlacoochee so soon as the requisite force can be assembled. It will be commanded by general Kall.

The object is to destroy the growing crops of the Indians. One thousand mounted men from Tennessee, are expected to arrive here by the 25th instant, who will be joined by the regulars, and the militia and volunteers of Florida. By an order of gen. Scott, dated July 2d, we observe that the Tennesseans have been mustered into service for three months only, though they volunteered under the law requiring them to serve six or twelve months.

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Indian affairs at the north west. The Detroit Free Press of the 14th instant says:

We are happy to announce the return of brigadier gen. Brady to this place from an official tour of duty on the northern lakes, and to state on his authority, that the recent reports relative to the hostile intentions on the part of the Menomonie and Winnebago Indians are without the slightest foundation.

Gen Brady has visited all the military posts on the northern lakes, from Fort Winnebago, at the portage of the Fox and Wisconsin rivers, and has taken much pains to ascertain the feelings and disposition of different tribes of Indians inhabiting the section of country through which he passed, and he does not hesitate to say that he never found them more friendly, or more disposed to be at peace with the white people than at the present moment.

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The Missouri Republican give the following as the key to the alarm of Indian hostilities, recently reported in that quarter:

We have been informed by a gentleman who was within thirty miles of the scene of this affair, that it originated in a *drunken frolic at a grocery kept by one of the white men.* There were several white men and several Indians at the grocery. They got drunk, fought, and two of the whites were killed. Afterwards the whites were reinforced and one Indian was killed. He had these particulars from a gentleman who came from the immediate neighborhood.

St. Louis, July 5th. We have seen a Mr. Jesse Ray, of Jefferson county, in this state, just returned from a visit to Kentucky, who informs us, that within a quarter of a mile of Paris, in Edgar county, Illinois, at the place where they had encamped, he saw twelve Indians who had been slain by the inhabitants of the town. The party, on their arrival at that point, consisted of fourteen men, who had obtained whiskey from the people of the town, and were intoxicated and noisy. In the attack, twelve of the number were shot, and the surviving two were pursued through the woods. The Indians, it seems, were going up the Wabash, and were all mounted, but had left their horses at the camp. We could not learn to what tribe they belonged. Our informant states that the number of white men assembled at the scene of slaughter was about sixty; that they were mostly intoxicated, and threatened the like fate to all Indians who should come to, or pass through their country.

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Capt. Back is about to sail in the *Terror* bomb vessel to the Arctic ocean for the purpose of completing his former *reconnoissances.* He will proceed for Woga bay, when his ship will be laid up, and thence will proceed with boats constructed for the purpose, and which he takes out with him, to complete the survey of the coast from Cape *Turnagain,* where his first expedition terminated, to *Victoria* headland, the point where he made the sea on his last expedition. This enterprise will occupy, it is supposed, two years.

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Rail road convention The Knoxville convention adjourned on the 8th instant, having been characterized throughout by the utmost harmony in its deliberations. The report of the general committee of forty-five, recommending that the rail road from Cincinnati to Charleston should run through the valley of the French Broad river, over the Blue Ridge into the heart of South Carolina, was unanimously adopted. The convention also unanimously determined to adopt the recommendation of the general committee, to admit the state of Georgia to construct a branch from any point in that state, to unite with the main road at or near Knoxville, admitting her to an equal participation of the advantages of the road with the parties to the original charter. The thanks of the convention were awarded to gen. Hayne, its president, for the able manner in which he had presided over their deliberations, on which he returned his acknowledgments in a happy and impressive speech.

The road, it is estimated, will cost about *nineteen millions of dollars.*

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The Utica and Schenectady rail road has been completed and is now open for travel. This road, 77 miles in length, has been completed in 21 months, under the superintendence of Mr. Wm. C. Young, as chief engineer, and at a cost of $20,000 per mile, including every thing. The original estimate was one million and a half, and the Albany Journal states that this estimate will cover every expense, including $330,000 paid for real estate, and the cost of 8 locomotives, 100 cars, two extensive depots, and all the requisite machine and work shops.

The day the road was opened the train ran nearly 160 miles in 7 hours and 6 minutes, deducting the time consumed in stoppages!

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Louisiana. The following is the whig electoral ticket of Louisiana, pledged to the support of *White* for president, and *Tyler* for vice president.

First district—Albert Hoa.
Second district—Alexander Barrow.
Third district—Narcisse Landry.
Fourth district—Jacques Dupre.
Fifth district—Francois Gaiennie.

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Professor Alexander Dallas Bache, of the university of Pennsylvania, has received the appointment of president of the Girard college, with a suitable salary to enable him to travel for some time in Europe to examine the different systems of education, procure information, &c.

By a report of the architect of the college, it appears that in the course of the next year, the accommodations for one hundred orphans, with their teachers, will be completed, and that buildings for the reception of two hundred more, will probably be ready as soon as the increase of the pupils will require the use of them.

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Rapid travelling. The facilities for travelling in the new and old world are such, that the rapidity with which persons may be conveyed to the most distant places is truly astonishing: one instance out of the many, we notice is the following—

A family sailed from Vera Cruz, in Mexico on April 22d, and arrived in New York on May 5th. On the same day they embarked for France in the packet *Utica,* which reached Havre on the 27th May. They had time to transfer their effects to the Hamburgh steamboat, and without stopping a day took their departure again. On arriving at Hamburgh they continued their route by the steamer to Lubeck, and thence by a similar conveyance to St. Petersburgh, where they no doubt arrived on the 14th of June. Thus in 53 days they passed from Mexico, by the United States, France and Germany, into the capital of Russia.

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A new locomotive engine. The Philadelphia National Gazette states that on the 19th instant a locomotive engine manufactured by Mr. William Norris, of that city, ascended the inclined plane on the Columbia rail road, drawing with great ease her tender, and two passenger cars with fifty-three passengers. The length of the plane is two thousand eight hundred feet, the grade three hundred and sixty-nine feet to the mile, or an ascent of one hundred and ninety-six feet in the length of the plane. The experiment was tried at a very early hour in the morning, while the rails were wet with dew and of course not in the most favorable condition. The time occupied in passing from the level at the base to that at the top of the plane, was two minutes and twenty-four seconds. The experiment was witnessed by many scientific gentlemen, among whom the opinion was general that the improvement of Mr. Norris promises a most important reduction in the expense hitherto attending the transportation on inclined planes. The weight of the engine with water, fourteen thousand nine hun-

dred and thirty pounds—load dragged on the plane, including tender and fuel, cars and passengers, thirty-one thousand two hundred and seventy pounds. Pressure under eighty pounds to square inch. It is remarkable that the engine was blowing off, on her arrival at the top, having acquired speed and power during the ascent.

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Good news for the Globe. It is stated upon what we deem good authority, that the bank of the U. States have made a loan with the house of Hottengeur & co. of Paris, of twelve millions of dollars, at four per cent. interest, and that more can be obtained at the same rate, if wanted. It is also stated that an agent of the Paris house arrived here on Saturday, in the Silvie de Grasse, and proceeded immediately to Philadelphia.

[*Courier & Enquirer.*

The New York Journal of Commerce contradicts the above, and says—The bank did, a month before the last dates from Paris, negociate a loan there for twelve millions of *francs* at *five* per cent. No other loan has been negociated, or, at any rate, the agent referred to knows of no other. Of course he is not here upon the business supposed. But he is *here*, and has not proceeded to Philadelphia on any business.

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Cincinnati, O. The Baltimore "American" has published the following interesting synopsis of a paper from the pen of Dr. Drake, of Cincinnati, which appeared in a late number of the "Western Monthly Magazine" giving a statistical view of the "queen of the west" at the close of 1835. The prosperity which has attended her, has also been realized, nearly in the same ratio, by many of the western cities and towns—offering the most striking illustration of the effects of our institutions in stimulating enterprise and developing the rich resources of our favored land.

The distances from Cincinnati to a number of cities, the principal of which are as follows: From New York, by the way of Lake Erie, 900 miles: from New Orleans, 860 miles: from Philadelphia 617: from Charleston 600: and from Baltimore 518. The city, which is built on an elevated plain surrounded by a noble amphitheatre of hills, is situated nearly midway down the Ohio river, being 455 miles from Pittsburgh, where by the junction of the Alleghany and Monongahela rivers the Ohio is formed, and 504 from the junction of the Ohio with the Mississippi.

In 1810 the population amounted to between two and three thousand; in 1820 to ten thousand; in 1826 to sixteen thousand, and in 1836 to thirty-one thousand, to which ought to be added the suburbs opposite on the Kentucky shore containing four thousand. Dr. Drake estimates that in 1850 Cincinnati and suburbs will number one hundred thousand inhabitants. Nor is this expectation at all extravagant, for its unparalleled growth thus far, has taken place without the aid of any work of internal improvement but the Miami canal and two Macadam turnpikes, one of twelve and the other of sixteen miles. An enumeration is then made of the various works projected and in progress which when completed will feed the commerce of Cincinnati. Ten are there described, most of them extensive, and designed to be finished within six years.

The region inseparably connected with and dependent upon Cincinnati as its great commercial and manufacturing mart, is described as being that immediately round the city, embracing, besides Ohio itself, the eastern portion of Indiana, and a part of Kentucky, a surface containing about ten millions of acres of the finest grain-growing soil in the world, and capable of maintaining four millions of inhabitants.

The capital invested in manufacturing industry alone is estimated at five millions of dollars. No less than two hundred thousand hogs were slaughtered in Cincinnati during the present year. The exports are calculated to amount to six millions.

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More lynching. The Lexington, (Ky.) Intelligencer states, on the authority of the Paris (Ky.) Citizen, that judge Brown was lynched a short time since at Carlisle, in Nicholas county. It appears that the circuit court, judge Brown presiding, had been engaged in the trial of William Boyd, charged with the murder of William Smith, and that the jury found him guilty of manslaughter, and awarded as punishment, confinement in the penitentiary three years and two months. A motion was made by the prisoner's counsel for a new trial, which was granted, and the prisoner admitted to bail. The mob became incensed at this proceeding, and having stationed a fire engine near the court house door, filled with muddy water, gave the judge a "*ducking*," as the Citizen terms it, when he passed out of the house, after the adjournment of the court. The next morning the judge was hung and burnt in effigy. It is useless to comment upon such an outrage—for every American citizen, who properly appreciates the obligations due to the laws, must feel it as a deep and indelible disgrace.

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The young state of Indiana is about to put forth her energies for the development of her internal resources, in a way which may well put to the blush some of her older sisters on the Atlantic border. While the latter have been for years doing little else than talking and wishing—earnestly desiring to enjoy the golden fruits of canals and rail roads, without possessing the moral courage to assume the cost of their construction—the youthful members of the union in the west, before one is well assured that they have attained the first degress of maturity, are seen successively to take the most decided and vigorous steps in favor of the policy which, while it has crowned with enlarged prosperity every state that has adopted it, assures to them in particular an onward march at a giant's stride, and the early attainment of the wealth and strength of a giant community.

Last winter the legislature of Indiana determined to advance its credit to the amount of ten millions of dollars for works of internal improvement, and we observe that this wise policy is about to be brought into practical operation. The board of internal improvement have given notice that at stated periods during the ensuing four months, the following works will be let to contractors, viz:

Twenty-three miles of the Wabash and Erie canal, lying between Georgetown and Lafayette.

Thirty-four miles of the White Water canal, extending from Brookville to Lawrenceburgh.

Twenty-two miles of the Madison and Lafayette rail road, extending north from the Ohio river.

Fifty miles of the Central canal.

Forty-one miles of the New Albany and Vincennes Macadamized turnpike.

Twenty miles of the cross-cut canal, extending from Terra-haute to Eel-run. [*Balt. Ame.*

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The suspension bridge over the Niagara river, at Lewiston, for the construction of which charters were granted last winter by the legislature of the state of New York and the parliament of Upper Canada, will be one of the proudest triumphs of art in the known world. The banks of the river at Lewiston and Queenston, are 125 feet high, chiefly composed of limestone rock. The bridge will be in the form of an inverted arch. The flooring will be laid on the iron chains on suspension rods, the links of which, are to be nine feet nine inches long, capable of sustaining a weight of 1,000 tons. It has been computed by the engineer, that if the whole length and breadth of the bridge, should be covered with oxen standing close to each other, the whole weight would be 350 tons less than the estimated weight it will be capable of sustaining.

The cables will pass over freestone columns or abutments, on either side, and be firmly fastened to the rocks below. Two plans have been proposed for the construction of the bridge—one to place the columns close to the bank of the river, at the foot of the mountain—the other to place them at the top.

On the first plan, the columns will be 200 feet high; the length of the chord of the arch 1,000 feet—in this case there will be eight suspending cables—two carriage ways twelve feet wide, and one foot way five feet wide in the centre; the estimated expense in round numbers $131,000. On the second plan, the columns will be 90 or 100 feet high; the length of the chord 1,000 feet; expense $93,000. In either case, the lowest point in the inverted arch will be 120 feet above the water.

[*Buffalo Com. Adv.*

India. It is proposed to abolish the use of the Persian language, which it seems has been maintained in the courts of India, and to substitute the popular languages of the respective provinces. It is stated that the English language is rapidly spreading among the native population of India, and that there is a general inclination among the Hindus to send their boys to the English schools for education.

ITEMS.

Earthquake. On Friday evening, the 15th instant, a slight shock of an earthquake was felt in the neighborhood of Providence, R. I. to the north and west, about a quarter past 8 o'clock. It was so strong that it shook crockery and glassware in the houses, so as to be heard. It apparently proceeded from the north east, and passed off to the south west with a noise resembling thunder at a distance, and was of short duration.

It is estimated that the cost of the proposed rail road from Charleston to Cincinnati will be nineteen millions of dollars.

We understand, says the New York Gazette, that the late John B. Yates, of Madison county, New York, has, by will, bequeathed the great bulk of his fortune to the endowment of an institution, to be established upon a plan devised by himself, and that he has left all the details necessary for its government. He was one of the original partners of the well known house of Yates & McIntyre.

Orono. The first rail road in Maine is nearly ready to be opened, leading from Bangor to Orono. The Bangor Advertiser gives the result of a census just taken of the town of Orono. The whole population is 5,635. In 1830, it was 1,072—increase in six years 4,162. It is not a cotton spinning population, but consists of 3,660 males, and 1,975 females.

Canada. The Upper Canada elections recently held have resulted most disastrously for the radical reform party in that province, the conservatives having elected an overwhelming majority of members to the provincial parliament. Mr. Bidwell, the late speaker of the house, a gentleman whom all parties concur in speaking of with respect, was compelled to retire from the contest, leaving the field in the undisputed possession of his competitors. [*Courier and Enquirer.*

Dogs. Seven hundred dogs have been killed in Philadelphia since the commencement of the campaign. The dog catchers are out every morning at two o'clock. [*Philad. Inq.*

Rail Roads in New Jersey. It is stated that the best understanding now exists between all parties concerned in the late dispute about the passage of the several rail roads across New Jersey—It having been definitely arranged that the Camden and Amboy rail road company, instead of making the branch required by law, from their road at Spotswood to the New Jersey rail road in New Brunswick, are to construct the branch direct to Trenton, and after there connecting with the Philadelphia and Trenton rail road, to be extended to Bordentown, and united at that place with the Camden and Amboy rail road.

Trade of Buffalo, N. Y. July 29. The fine breeze of this morning, has brought a large number of vessels into our harbor for the most part fully freighted; among other extensive consignments, about *fifteen thousand* barrels of flour from Ohio, have been reported up to two o'clock, P. M. At one time this morning, thirty-six vessels were in sight from our pier.

We learn from the Buffalo Daily Advertiser, that, according to a statement from the collector's office of that city, during the year 1835, the whole number of entries at that port, were—of steamboats 720; brigs, schooners and sloops 920; total entrances 1,640. The average tonnage of the steamboats was 280 tons each, and of the brigs &c. 80 tons: making a total of 280,000 tons.

Trade of Cleaveland, O. According to the Cleaveland Herald of the 14th inst. thirty vessels, (exclusive of steamboats), were, on that day, taking in or discharging their cargoes in that harbor.

Chicago, Michigan. There is, says the Chicago American a piece of ground in Chicago which cost in 1830, *sixty-two dollars*, which has risen in value at the rate of *one hundred per cent per day*, on the original cost, ever since, embracing a period of *five years and a half.*

Desertion by wholesale. The Tallahassee Floridian of the 9th inst. contains a reward of $930, offered by major R. M. Sands, for the apprehension of 31 United States soldiers, who deserted from Camp Concord, near Tallahassee, on the 4th inst.

Cannel or Kendal coal in the United States. A vein of this superior quality of coal so celebrated in England, has been recently found, says the Beaver (Penn.) Argus, in that vicinity 12 feet thick, by professor Rodgers, while making a reconnoissance of the geology of that state. It is supposed the vein is inexhaustible.

The "Niagara Journal," is the title of a neat and well conducted newspaper, recently established at *Niagara Falls!*

THE CREEK WAR.

The Charleston Courier of the 22d instant states, on the authority of an officer who left Columbus on the 19th, that all the troops, with the exception of two companies, have left Fort Mitchell for Tuskeegee. Major *Lomax's* battalion left on the 17th, the marines, under colonel *Henderson*, on the 19th, and the Washington volunteers on the 20th. A detachment of marines, under colonel *Miller*, are encamped on the Federal road, 15 miles from Columbus. The 4th artillery, commanded by lieutenant colonel *Brooks*, are encamped 30 miles from Columbus and 12 miles from Tuskeegee. Mounted men from a portion of each detachment, have been furnished as escorts to the mails, and the neighborhood has been so effectually scoured that no danger may be apprehended. The road had been rendered impassable for carriages by the destruction of bridges and causeways, but the marines, under the command of that efficient officer colonel Miller, have made the necessary repairs, and the mail stages have commenced their trips.

The battle of Chickhatchee, fought on the 2d instant, by the regiment of colonel *Beall* and the friendly Indians, under the direction of general *Scott*, has probably terminated the war. They have returned to Columbus. It is the opinion of Tom Carr, (to whom too much praise cannot be awarded), that the discomfited Indians will not attempt to go to Florida, but will return to Fort Mitchell, and surrender to general *Fenwick*. Gen. Jesup has issued an order requiring all the Indians to come in by a certain time for emigration, and threatens to consider all who do not as outlaws.

The Georgia infantry have been discharged, leaving now in the service col. Beall's regiment and major Alford's battalion of mounted men.

Several skirmishes had taken place with straggling parties of the Indians—on the 15th inst. a battle was fought on the head waters of the Suwannee, between a body of the Georgia troops and a party of Indians, in which the former lost three and the latter nineteen men. Twenty Indians were also taken prisoners.

ORDERS—NO. 30.

Head quarters, south army, Tuskeegee, July 9th, 1836.

Maj. gen. Scott having been called to Washington, the command of the southern army, devolves upon maj. gen. Jesup, to whom all reports and applications will be made through the proper channels of communication.

The army is divided into two corps: the first will be commanded by major gen. Sanford, and will consist of the Georgia militia and volunteers, of all regular troops, including the marines, serving in the vicinity of the Georgia troops, and of Paddy Carr's Indian warriors.

The second corps will be commanded by major gen. Patterson: and will consist of the Alabama volunteers and militia, the regular troops, including marines, serving in the vicinity, and such Indian warriors as may, from time to time, be taken into service from the bands of Opothle Yoholo, Jim Boy, Tuckabatchee Hargo and Elka Hargo. Generally orders will be sent from head quarters through the major generals commanding army corps, but whenever the major general commanding the army may happen to be present he will be considered the immediate commander for the time, and will give orders direct, or through the major general, or other senior officer, as the interest of the service may require. He will also send orders direct to separate posts or detachments of both corps when in his judgment the service may require it, but in all such cases duplicates of the orders will be sent to the major general commanding the army corps to which the post or detachment may belong. When detachments are ordered for special service the instructions will be given from general head quarters; and on the return of those detachments the reports must be made direct to the major general commanding the army.

THOMAS JESUP,
Maj. gen. commanding army of the south.

For maj. gen. Sanford.

From the following extract of a report, received from major general Jesup, at the adjutant general's office, on Saturday last, it will be seen that the Indians who had recently dispersed have nearly been recaptured, and doubtless, by this time, the residue have been secured.

"*Tuskeegee, July* 12, 1836.

"We secured by the aid of the chiefs, about five hundred Indians, which, with those taken by general Patterson, and about sixty taken yesterday, make upwards of nine hundred of the thirteen hundred who had dispersed."

THE UNITED STATES AND MEXICO.

From the Washington Globe of Monday last.

"Official despatches from general Gaines, dated Camp Sabine, June 28, 1836, communicate the intelligence that the Mexican army at Matamoras, under general Urrea, had been reinforced to the number of 7,000 men, and was, on the 18th of June, on its march, and rapidly advancing towards Guadaloupe Victoria, and the head quarters of the Texian army. The motto to which the Mexican army were sworn, was 'extermination to the Sabine, or death.'

"Before receiving this intelligence, major Sterling C. Robertson had reported to general Gaines that two men had been recently killed and another wounded, on the waters of the Navasota, in Robertson's colony, about twenty miles west

of Nacogdoches, by the Indians of several different tribes, (Caddoes, Kitchies and others), who had taken and carried away several women and children of the families of the men killed.

"General Gaines, considering that these recent acts of hostility on the part of the Indians were prompted by their having been advised of the large force approaching Matamoras, and by the expectation that the Texians would be driven off, and the country given up to them, has called upon the governors of Kentucky, Tennessee, Mississippi and Louisiana, each, for a regiment of mounted gunmen, to co-operate with the regular force under his command, including the four companies of dragoons from Fort Leavenworth.

"It was his intention, if he did not in the interim receive satisfactory assurances that the Indians upon our borders had no hand in the late murders on the Navasota, to march to Nacogdoches as soon as he obtained the immediate co-operation of the three companies of dragoons and six companies of the 7th infantry at Fort Towson."

The following extract of a letter, bearing the date prefixed to it, is published in the National Intelligencer of Tuesday last; and whilst it throws some additional light on the subject, is somewhat imbued with the partizan feelings of the writer.

"*Nachitoches, June* 30, 1836.

"We are likely to have lively times upon the frontier. General Gaines, who is still on the Sabine, has, within a few days, received despatches from General Rusk, the Texian leader, dated at Guadaloupe Victoria, apprising him that the Mexicans are coming down upon him in great force. Rusk has issued a proclamation, and calls loudly for aid. General Gaines, for reasons best known to himself, has called upon the states of Mississippi, Kentucky, Tennessee and Louisiana, for a regiment of men each, and talks of executing his old instructions, of crossing into the Mexican territory, and taking possession of Nacogdoches. His plea is, that some vagabond Caddoes have committed two or three murders about eighteen miles from Nacogdoches. These murders, if they have been perpetrated, (which is likely), were committed *seventy miles within the Mexican territory*, and have happened very *apropos* if Rusk should be driven eastward. Should this turn out so, and his retreat be upon Nacogdoches, the consequences are obvious. The friends of peace hope that Gaines will have the good sense to stay where he is: the sort of game he is made to play for others is well understood here."

The following is the proclamation of the governor of Kentucky, issued in pursuance of the requisition of gen. Gaines, alluded to in the article extracted from the Globe.

PROCLAMATION.

Executive department, Frankfort, July 16, 1836.

I, James T. Morehead, lieutenant and acting governor of the commonwealth of Kentucky, do hereby make known, that in conformity with the request of the president of the United States, communicated through the secretary of war, and the request of major general Gaines, commanding the forces for the protection of the south western frontier, for a regiment of mounted gunmen, volunteers to be composed of ten companies of not more than one hundred men each, will be forthwith received into the service of the United States, from this state.

Relying on the characteristic readiness of my fellow citizens to meet the calls of their country, I have not deemed it expedient to resort to any other mode of raising the required number of troops, than a solicitation of their voluntary services. When the national honor or interests are to be sustained, it is confidently expected and believed that an appeal to the gallantry and patriotism of the citizens of Kentucky, is all that is necessary to insure a full and ready compliance with the requisitions of the constituted authorities, and that the present occasion will be attended with the same exemplary displays of public spirit and love of country, which have so conspicuously distinguished their past history. It need only be added, that it is due to the high character maintained by them in the estimation of our sister states, that this call for their services should be fully and speedily met.

In testimony whereof, I have hereunto set my hand and [L. S.] caused the seal of the commonwealth to be affixed.

JAMES T. MOREHEAD,

By the lieutenant and acting governor.

Austin P. Cox, *secretary of state.*

The governor of Louisiana has also issued a proclamation calling for volunteers in pursuance of the requisition of Gen. Gaines.

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Dragoon head quarters, camp Benton, Near Fort Towson, on Red River, June 26.

Agreeably to orders from gen. Gaines, the three companies of dragoons, and six companies of the 7th infantry, left Fort Gibson on the 8th May, and after a rough and tedious march of 9 days, (a distance of 190 miles), we encamped near Red River, on the 17th of last month, where we have been ever since, waiting for further orders from the commanding general.

Our destination will be the Sabine river to join general Gaines' command now encamped there, and we are only waiting for an express to return from Fort Gibson, which passed by this post to general Arbuckle, to take up our march to the south west. There is a Spaniard here just from gen. Gaines' army sent up by him to pilot us on our march.

[*Baltimore Patriot.*

We will have a long and tedious march should we go on to Fort Jesup, 300 miles off, large rivers to ford, and a low marshy country to go through.

The Mexicans claim all the country as far this way as Red river; we claim all as far southwest as the Sabine river. We are encamped in the heart of the Choctaw nation. I think they have the finest country of any of the tribes I have yet visited; they are generally civilized, and Christianity has been in a measure instilled in many of their families. I have frequently seen the Bible in their houses, printed in the Choctaw and English language.

Every one here is rejoiced to see that Fort Gibson is to be broken up; it was indeed a grave yard for our soldiers. I expect we will take up our winter quarters there, and commence the new fort in the spring.

FROM MEXICO.

By the ship Mexican, captain Kimball, the editors of the New York Journal of Commerce have received Vera Cruz papers to the 1st of July, and the Diario del Goberno of the city of Mexico of the 26th of June. The latter contains an official despatch from general Filasola, detailing the proceedings of the Mexican army in Texas, until Santa Ana's capture, the subsequent proceedings under the convention for the evacuation of Texas, concluded between Santa Ana and president Burnett, the adhesion given by Felasola to this convention, and an account of his retreat from the positions he occupied in compliance with its articles. The documents are very long.

Under date of the 25th June the Mexican secretary at war writes to general Filisola, that he had communicated his despatches to the president of Mexico ad interim, and that their contents had excited his profound indignation. That he would be called before a court martial to account for not having remained in positions which he had been ordered to retain at every hazard, and for having obeyed the orders of the commanding general, though he was a prisoner. That the president ad interim will not recognise the convention concluded at Velasco on the 14th May, 1836, (that between Santa Ana and president Burnett), the general who signed it having no power to do so. That he expressly disapproves, as an attack on the rights of the nation, the title of republic, given to an insurgent department of Mexico, and that of president, to the chief of the insurgents. In conclusion, the secretary orders general Filasola to surrender the command to general Jose Urrea, to repair to the city of Mexico, there to answer for his conduct.

There does not appear as yet to have been any serious disturbance in any part of the Mexican republic; though from various editorial remarks, the public mind is very unsettled.

The government of Mexico has resorted to a "forced loan" of two millions, in order to carry on the war against Texas. The legal form under which the citizens of the "republic" are thus levied upon, is as follows—

DECREE.

The president ad interim of the Mexican republic to its inhabitants. Know that the general congress has decreed as follows:

1st. The government is authorised to exact a forced loan throughout the republic to the amount of two millions of dollars, for the purpose of meeting in part the deficit in the national revenue.

2d. The maximum amount exacted from each individual shall not exceed one thousand dollars.

3d. The certificates given for this loan shall be received by the government after the lapse of one year, in payment of any tax that may be imposed.

Captain Kimball brought home, the rifle, powder horn, bullet pouch, &c. of the late colonel Crockett, which were obtained from colonel Bradbane of the Mexican army.

ADDRESS OF GEN. LAMAR TO THE ARMY OF TEXAS.

From the New Orleans Bulletin, of July 8.

The address of M. B. Lamar to the Texian troops upon his taking command as major general, is well calculated to infuse into them a spirit of zeal and patriotism. Such addresses should not be judged of by the cold eye of criticism—but looked at in the light only for which they are intended—and thus regarded, we do not think that the late Texian secretary at war could adopt a more felicitous manner and style than he has in his different communications to the Texians.

Under his skill and ardent zeal in his country's cause, we entertain no fears as to the result of the approaching second grand contest of the Texians with the Mexican forces. We honestly believe that an army of 3,000 Texians is fully equivalent to any force that Mexico can bring against them; and we will forfeit all claim to any knowledge of Texas, or her gallant soldiers, if the result does not bear us out in our belief.

Soldiers of Texas: On assuming the glorious responsibility of leading you to the field of battle, I am deeply impressed with gratitude for the trust confided; and feel most vividly, that to command an army of heroes in the cause of freedom is the highest of all privileges, and to conduct it to victory is the most enduring and exalted honor.

The enemy who so recently retired, terrified from our borders, are about to countermarch upon us with reinforcements formidable in count, but feeble in spirit and puissance. They come for the hellish purpose of desolating the loveliest of a thousand lands, and staining our luxuriant fields with the blood of the cultivators.

Confident of numbers, they hope to gain by overwhelming force, that which they cannot achieve by valor. They boast that they will retrieve the late inglorious defeat of their arms, or perish in the attempt; that they will drive us beyond the Sabine, or give us a grave this side. You, soldiers, know the futility of their vain-glorious boastings, as well as the ferocious character of their warfare.

Their cruelty and perfidy were sufficiently exemplified in their horrid massacres at Bexar and La Bahia, while their shameful route and discomfiture at the San Jacinto stand as a perpetual monument of their unexampled pusillanimity and dastardly conduct. Audacious monsters! That they have the willingness to murder is apparent—their ability to conquer they never have shown. Their numbers can avail them nothing; and their threats of extermination, instead of intimidating, only invigorate the nerves of the bold and free. Let them come. Their return is hailed with joy by every manly voice in Texas.

Another opportunity is afforded to vindicate our rights and avenge our wrongs. The greater the force, the richer the harvest! Though every blade of grass on the banks of the Bravo bristle into a bayonet, it shall not save them. The very glance of a freeman's eye, is a blazing shield of Perseus to the monsters of tyranny. They have to fly, or fall, before the wrath of an injured people, nerved in the cause of liberty and of vengeance.

Soldiers! Your country calls you to her defence. Your homes, your fire-sides—the scenes of your former joys, and future anticipation; all the endearments of domestic happiness, and all the hopes of future competence and peace, summon you to the field. You are summoned too by the spirits of Travis and Fannin, and their gallant companions, whose blood has cemented the foundations of our freedom. Their flesh has been food for the raven, and their bones have been whitening on the prairies, until your pious patriotism gathered these scattered relics, with decent sepulchral honors, to a soldier's grave. But their glorified spirits still hovering around the home of their patriotic devotion, call upon you to sustain the independence which they have consecrated by their martyrdom, and to recompence, with merited vengeance, the wrongs they have endured from a perfidious and dastard enemy. Shall the call be made in vain? Shall we turn a deaf ear to the voice of our country, and the beseeching cries of our murdered brethren? Surely, there can be no one, so insensible to guilt and shame as to look with indifference upon the desolation of his own country. If there be so foul a blot upon humanity—if there be one in the whole limits of our land who is mean enough, when his home is invaded by an insolent foe, to seek safety in dishonorable flight, I would say to him, detested recreant! retire to the shades of infamy, and sully no more a beautiful land, whose blessings belong to the brave and virtuous.

Let then every patriot and soldier, every worthy citizen, who abhors the name of traitor, and contemns the vile epithet of coward, rally to the call promptly, around the unfurled banner of freedom—let him repair with impatient zeal to the theatre of his nation's glory, and there snatch upon the brink of danger, fame for himself and safety for his country. The dastard who lingers behind may live to fatten upon the fruits of his recreancy, but when he dies he rots in infamy, to the joy of all—while the noble hero who makes his bosom the bulwark of a people's liberty, will find a rich reward for toil and valor, in the thanks of a grateful land, and the smiles of its high toned beauty. If he fall in the holy cause, he will still survive in the affections of his comrades, and his name will gather glory with the flight of ages—

"Each little rill, each mountain river,
Rolls mingled with his fame forever."

Citizens of the red lands! You are looked to for aid in this second struggle for independence. Your contributions, heretofore, have not been proportionate to your population. Few of you have participated in the toils and glory of the strife. Your homes have been exempt from the calamities of war. For that exemption you are indebted to the gallantry of your more exposed and suffering countrymen. Whatever circumstances may have restrained you before, there can remain no reasons to withhold you now. We know your courage. Your skill in arms is familiar to us all. Your country requires the immediate exhibition of both—let both be displayed when the great and decisive battle which is pending shall be fought—and Texas is free, sovereign and independent! Hold not back, I adjure you, by every principle of honor, of gratitude and of patriotism. If any man among you prove recreant now, let him be stigmatized; treat him as an outcast, and let a nation's contempt rest like a black cloud upon his name. The call *en masse* let all obey, and all will be well. MIRABEAU B. LAMAR,

Major general commanding the army of Texas.

Velasco, June 27, 1836.

MR. RANDOLPH'S WILL.

The following is the original will of Mr. Randolph and one of the codicils. Other codicils were made, but they have not been published in the Richmond papers.

"In the name of God, amen. I, John Randolph, of Roanoke, in the county of Charlotte, do ordain this writing, written with my own hand, this fourth day of May, one thousand eight hundred and nineteen, to be my last will and testament, hereby revoking all others whatsoever.

"I give to my slaves their freedom, to which, my conscience tells me, they are justly entitled. It has a long time been a matter of the deepest regret to me, that the circumstances under which I inherited them, and the obstacles thrown in the way by the laws of the land, have prevented my emancipating them in my life time, which it is my full intention to do, in case I can accomplish it.

"All the rest and residue of my estate, (with the exceptions hereafter made), whether real or personal, I bequeath to William Leigh, esquire, of Halifax, attorney at law—to the rev. William Meade, of Frederick, and to Francis Scott Key, esq. of Georgetown, District of Columbia, in trust for the following uses and purposes, viz: 1st. To provide one or more tracts of land in any of the states or territories, not exceeding in the whole four thousand acres, nor less than two thousand acres, to be partitioned and apportioned by them, in such manner as to them may seem best, among the said slaves. 2d. To pay the expense of their removal, and of furnishing them with necessary cabins, clothes and utensils. 3d. To pay the expense, not exceeding four hundred dollars per annum, of the education of John Randolph Clay, until he shall arrive at the age of twenty-three—leaving with him my injunction, to scorn to eat the bread of idleness or dependence.

4th. To pay to Theodorick Bland Dudley ten thousand dollars.

5th. With the residue of said estate, to found a school or college, to be called Roanoke college.

"I give to Theodorick Bland Dubley all my books, plate, household and kitchen furniture, and all my liquors—also my guns and pistols, and the choice of six of my horses, or brood mares, and my single chair, with my best riding saddle and valise. It is my will and desire that my executors give no bond or security for the trust reposed in them. In witness whereof I have hereunto set my hand, and affixed my seal the day and year above written. JOHN RANDOLPH, *of Roanoke.*

"*Codicil.* It is my will and desire that my old servants, Essex and Hetty his wife, be made quite comfortable. It is my intention, that my reversionary claims on Mrs. Blodget's and Mrs. Randolph's estate, should pass by the devised to my executors, who may sell any portion, or the whole of my said estate, of whatsoever nature it may be, the specified devises only excepted. J. R. *of R.* [*seal.*]

Among the testimony elicited was the following, which strongly illustrates the excentric character of the testator.

Dr. Brockenbrough on being questioned as to Mr. Randolph's religious impressions in 1819, said he was enthusiastic on that subject, but he spoke and wrote on other subjects like a man of sense, and witness did not think his religious enthusiasm went to the length of derangement—at any rate, there are many who went fully as far on that subject who were not considered insane. Witness thought Mr. R. under this strong religious bias from 1818 to 1822. Thinks he did not use profane language during that period; that he was really pious, and that his conduct was unusually mild and forbearing. Witness was further examined as to various incidents of Mr. R's life, and certain extravagancies of conduct during his visit to Richmond, in the years 1819 and 1826, and the intermediate years. Questioned whether he thought Mr. R. deranged in 1826; witness said he differed from other persons who thought Mr. R's extravagancies arose from insanity. Witness never saw him, when, if money were concerned, he was not perfectly collected. If he had a bargain to make, he could be as cool as any man. In 1826, Mr. R. behaved wildly, and dressed in a strange manner; but he occasionally conversed as rationally as ever, which induced witness to attribute his conduct to eccentricity.

Mr. *J. A. Chevallie* states, that he was well acquainted with Mr. John Randolph, deceased, for thirty years preceding his death. He met with him on board a steamboat coming from Norfolk to Richmond on the 14th of April, 1820. Mr. Randolph on the preceding day had arrived at Norfolk from Washington or Baltimore. When he first saw him aboard of the boat, Mr. Randolph appeared to be very much excited, about something that had occurred on the day before. He stated that a Frenchman, who was a servant of Mr. Hyde De Neuville, the French minister, and who had stood behind his chair when he dined with them, had the audacity and impudence to sit down by his side at table aboard the boat the preceding day—that he had resented his insolence, and threatened to shoot him with his double barreled gun, which he had with him, (and which the witness saw), if he did not quit the table. Mr. Randolph abused the Frenchman very much, and said he had called him to his face *coquin* and *polisson*, &c. After breakfast Mr. Randolph came where the witness was sitting, took a seat by him, treated him with marked politeness, and engaged in a conversation with him respecting French literature, the etymology of French words, &c.; which conversation he conducted with much ability and learning, proving himself fully master of the subject. When they arrived at the City Point, Mr. R's carriage and horses were got out on the wharf for him to proceed (witness understood) to Petersburg—witness was then in the cabin, and a servant came and told him Mr. Randolph wished to see him—when he went on the deck, Mr. R. was standing on the wharf, and as soon as he saw the witness he saluted him, waived his hat over his head, and cried out three times "*vive le roi*," in a loud voice. During the day, after they left Norfolk and before arriving at City Point, Mr. Randolph drank a great quantity of porter. Questioned what his impression was at the time, of Mr. R's state of mind, says that Mr. Randolph was so variable in his conduct and conversation that he hardly knew what to think

of his state of mind. When he first saw Mr. R. aboard the boat, and heard his account of the meeting with the Frenchman, he thought it very strange, and that Mr. Randolph talked wildly about it—that afterwards in their conversation respecting French literature and other topics, he seemed to him to be composed and rational—that when he took leave of him he acted like a madman, which might have been occasioned by the quantity of porter he drank during the trip from Norfolk to City Point.

Mr. *B. W. Leigh* was questioned as to Mr. R's attachment to a young lady who was married about 1806—says he thinks the lady's marriage took place in 1807. Witness thinks Mr. R's attachment to her a very enduring one. Should not say the effect upon his feelings was very obvious, but it had a strong impression upon him. It was well known to witness that he was attached to her, and that he felt the disappointment deeply; but he never spoke upon the subject irrationally. He never attributed the defeat of his matrimonial connexion to the intrigues of others. He said that if he and the lady had been left quite alone, he believed their union would not have been prevented. There were interferences he said, neither intended to break off the match, nor to urge it on, which had an inauspicious effect. He never spoke disrespectfully of the lady's relations, and one of them (major Eggleston) he always mentioned with respect and kindness. Major E. was one of the persons of whom he always spoke kindly. He did not ascribe his disappointment to the interference of his own relations. Witness is sure he did not attribute it to the relative to whom he has heard others ascribe it. Witness thought the attachment a strong one, that Mr. R. retained it after the lady's marriage, and dwelt upon it more than he should have done. Mr. R. spoke often to witness on the subject, but witness never said any thing in relation to it, as he thought it a matter which ought not to be talked about. Has heard of his speaking often upon the subject to a number of persons. Q. Did Mr. R. survive the lady? A. Yes. Q. What impression did her death make upon him? A. It was a painful one. The lady was remarkable for the charms of her person and manners."

In reference to a conversation between him and Mr. R. in regard to the Russian mission, Mr. Leigh says:

"Mr. R. asked witness his opinion of the propriety of his acceptance of the appointment. Witness endeavored to avoid expressing his opinion, but Mr. R. insisted upon having it—and witness gave it in strong terms. Questioned whether this conversation indicated that Mr. R. was not right—says no—it was his going about and exhibiting the correspondence between the department of state and himself on the subject of his mission. It was not strange that he should show it to his friends; but it was strange that he should show it to persons with whom he had little or no intercourse, and in whom he had no confidence.

Witness believed that his mind was highly excited on the question of the propriety of his acceptance of the mission, and that the conversation with witness served to aggravate that excitement. Witness therefore regretted that Mr. R. had forced him to express his opinion. Mr. R. gave as the reason for exhibiting the correspondence, that he wished to place himself *rectus in curiæ;* and that he had not solicited the mission, but that it had been forced upon him. This was his object in showing it to others; but he demanded from witness his opinion of the propriety of his course, insisting that he had a right to know it. Questioned whether Mr. R. was not remarkable all his life for irritability. Answer. He was—he seemed sometimes like a man without a skin—but this sensitiveness varied with the state of his health, and his health was bad all his life. When in pain he was irritable in the extreme. It was difficult to describe the effects of passion upon him. When in a public body he would sometimes be highly irritated, but he appeared perfectly cool—and it was this control over his feelings that enabled him to make those severe retorts for which he was distinguished. When he was angry he was very angry—he was quick to take offence, and he never proportioned the measure of retaliation to the degree of the offence. The slightest was as severely punished as one of the greatest importance.

EXPRESS MAIL.

From the Washington Globe.

In this day's Globe will be observed an advertisement of the post office department for the conveyance of an express mail from New York to Mobile, Alabama, where it will fall into the great mail, and be carried by steamboat to New Orleans. The time proposed to be occupied in the conveyance between New York and New Orleans is about six days and a half: the regular time for the present mails is a little over thirteen days.

The provision of the late act of congress under which this enterprise is put on foot, reads as follows, viz:

"In case the postmaster general shall deem it expedient to establish an express mail in addition to the ordinary mail, on any of the post roads of the United States, for the purpose of conveying slips from newspapers in lieu of exchange papers, or letters, other than such as contain money, not exceeding half an ounce in weight, marked 'express mail,' and public despatches, he shall be authorised to charge all letters and packets carried by such express mail with triple the rates of postage to which letters and packets, not free, may be by law subject when carried by the ordinary mails."

Regulations to govern the "express mail" will be published before it goes into operation.

It is the desire of the postmaster general to extend the benefits of this to the other sections of the country; but he thinks it not safe to attempt it until he is more fully apprized of the means which he shall be able to devote to the object. The improvements ordered since the first of January last and the new mails put into operation will cost about $100,000 a year. Congress at the last session established the unprecedented number of *seven hundred and thirty-eight* new mail routes, which will probably cost more than $300,000 annually. The express mail, now advertised, will probably cost $250,000 more, making an extension of expenditure equal to $650,000 a year. Although the postmaster general believes he can bear a greater extension without embarrassment, yet he does not think it right to hazard any thing by an attempt to place expresses on other routes, and he refrains from doing so until the expense of the new routes and the mail now advertised, shall be known. The day is not distant, however, when he expects to run an express to the west, starting probably from Baltimore and running on the national road through to St. Louis, throwing off branches or improving and expediting the existing lines, to the right and left, so as to diffuse its benefits to all the country upon the upper rivers and lakes.

An express cannot be run from New York to Boston, within the time now occupied by the steamboat and rail road line through Providence. It may, however, be useful to run one east of Boston to Portland. It may also be expedient to run one from Boston through Albany to Buffalo, which would operate, by connecting with the North river steamboats, as an express mail between New York and Buffalo.

From the southern express, now advertised, branches may be advantageously thrown off through Alabama into Mississippi and Tennessee.

The great outline of an express mail system would be completed by a line from New Orleans to Nashville; thence to Louisville, Kentucky; and thence connecting with the eastern and western line.

The present policy of the department is to run from New York to New Orleans by the route which can be most rapidly travelled, and scatter the benefits to the cities, towns and country, right and left, by improving the existing mail lines. The upper line advertised from Fredericksburg, Virginia, to Columbus, Georgia, is about 60 miles nearer than the lower line, which is now the great mail route; but on the lower line there are two rail roads, and if contracts shall be obtained with them on favorable terms, it will be expedient to run the express on that line. But if no contracts are obtained with them, it is probable the department will adopt the upper line, where the speed will be less rapid, and consequently the mail more certain and less expensive than on the lower line. The point will be decided when the lettings are to be made.

So far as the service of the post office department is concerned, one of the principal advantages expected from express mails is, that they will render it measurably independent of the rail roads. By running night and day, this mail will outrun their cars. The interest which the community now feel in the expedition of the great mail will measurably cease when the news shall be brought much sooner by the express. It will become a matter of comparatively little moment whether that mail be carried a little faster or a little slower; and if the rail roads will not carry it at a reasonable price, there will be no public inconvenience, and but little complaint, if it be carried in stages or wagons.

Yet, it will be a matter of interest that the rail roads should carry the great mail. Wherever they undertake to do so, and conform with the hours of the department, the whole mail will travel with the expedition of an express, and the triple postage will be saved to the citizen. Such will be the case between New York and Philadelphia, between Baltimore and Washington, between Fredericksburg and Richmond and between Petersburg and Blakely depot. Desirous of accomplishing that object as far as possible, the postmaster general has invited proposals on the portions of the line occupied by rail roads, for carrying the great mail and the express also in rail road cars. We trust there is a spirit on both sides which will lead to the formation of satisfactory contracts with the rail road companies, where their roads are compelled on this great line.

THE SHOE TRADE.

From the N. Y. Courier and Enquirer.

It has been stated that the business done in Massachusetts annually, in leather as the chief material, amounted to the surprising sum of fifty millions of dollars. But the inquiry into the details seems to authorise the conclusion, at least, if we are warranted in supposing that its development is as great in other branches as in that of boots and shoes, which the following letter, furnished us by a gentleman in Boston, to whom it was addressed, from an intelligent and extensive dealer, with great particularity points out. Besides the authority of the writer, the letter contains internal evidence of truth in its details of the various kinds of articles which are made in the different towns. Evidently written hastily, and not for publication, the writer shows an intimate knowledge of his subject, and teaches us the cause of the very unusual increase of Lynn, from 6,000 inhabitants in 1830, to 9,000 at the present time.

Lynn lies but six miles from East Boston, and the eastern rail road which passes from one place to the other, will form so intimate a communication between the two places as greatly to benefit both. From the table of the amount of business, it ap-

pears that Lynn does one-tenth part of all the shoe business in the state, although its attention is directed solely to women's and children's shoes. But it also appears that Danvers, Haverhill and Randolph, manufacturing each a different article, are fast approaching the same result. We hardly knew how many different kinds of boots and shoes were worn, till our attention was called to the different varieties to which the attention of the manufacturers in the several towns is chiefly directed, which the reader's curiosity will discover as he reads the list the letter furnishes.

Lynn—manufactures exclusively ladies, misses and children's morocco and cloth shoes of every description; men's shoes for her own citizens are supplied by other towns. She produces one-tenth of all the shoes made in the state, and their value at a low estimate, is $2,000,000.

Marblehead—manufactures children's shoes mainly, and in the winter months, say $150,000.

Danvers—manufactures men's coarse shoes and bootees mainly, worth, perhaps, $1,000,000.

Saugers, Salem, Beverly—manufacture $200,000.

Ipswich—men's and boys' thick bootees, $108,000.

Rowley—mens and boys' coarse boots, bootees and shoes are the leading articles, $400,000,

Andover—women's leather pegged shoes, 200,000.

Haverhill—men's pumps, women's low priced leather and morocco shoes, $1,200,000.

Bradford, opposite Haverhill—same work, $400,000.

Methuen—women's leather peg shoes, $200,000.

Grafton—men's fine peg bootees and shoes, $1,200,000.

Westboro'—same, $200,000.

Shrewsbury—same, $250,000.

Holiston—men's coarse peg bootees and shoes, $250,000.

Medway—men's coarse boots and bootees, $150,000.

North Brookfield—men's fine and coarse work, $350,000.

Randolph—men's and boys' kip bootees and shoes, $1,500,000.

Stoughton—men's nailed and peg boots, $300,000.

Quincy—men's calf sewed boots, $100,000.

Weymouth—men's calf shoes, fine, $1,000,000.

Abington—men's calf shoes, $1,000,000.

Braintree, Bridgewater, Hingham, &c. are shoe towns in the vicinity.

Reading is celebrated for men's fine dancing pumps; Stoneham for children's fine shoes; Woburn for ladies's shoes, for Boston market.

April 13, 1835.

DEAR SIR: This abstract may inform you of the most important shoe towns in the state. Those towns which manufacture less than $100,000 I have omitted, and there are many. My estimate of the amount of each town, is made *entirely* from personal acquaintance and from a knowledge of the several manufacturers' business. It cannot be deemed accurate, but will fall short rather than exceed the full amount.

Massachusetts will export upwards of $20,000,000 of shoes this year, and her trade is rapidly increasing.

We received last year from New York and the ports south of that city 700,000 sides of sole leather to make into shoes, besides, a great quantity is tanned in this state, and we receive thousands of sides from Albany, New Hampshire and Maine.

Backed by such facts as these we cannot wonder at the rapid increase of population and demand of lots in the metropolis of New England, nor that the attention of capitalists and speculators is turned to that quarter for investment.

MR. MADISON.

The annexed biographical sketch of this illustrious man is said to be correct:

James Madison, late president of the United States, was the son of James Madison, of Orange county, Virginia, and Nelly Conway, his wife—and could trace back his parental ancestors as inhabitants of Virginia for about one hundred years previous to his birth, which took place at the house of his maternal grandmother in Port Conway, on the Rappahannock river, March 16, 1751. He was educated by Mr. Robertson, a Scotchman, in King and Queen county, and by the rev. Mr. Martin, a Jerseyman, at his father's house in Orange county. With these two learned and accomplished teachers, he studied English, Latin, Greek, French, Italian, &c. and prepared himself to enter college, which he did at Princeton, N. J. in 1769. He graduated in 1771, having studied the junior and senior classes in one year, but was induced to continue at Princeton till 1772, from a desire to learn Hebrew, and to extend his studies under the superintendence of Dr. Witherspoon, then president of the college, and to whom he was much attached. Having a delicate frame his close and excessive studies impaired his constitution, and he continued in bad health for many years. In the spring of 1776, he was elected by the people of Orange county a member of the general assembly of Virginia; but in 1777 he failed in his election in consequence of his refusing to treat and electioneer. In the following winter he was elected by the general assembly a member of the executive council, where he continued to serve until the winter of 1779–1780, when he was elected by the general assembly a member of the continental congress of which body he remained a member until the autumn of 1784. He was elected by the general assembly a member of congress in 1787, and in the same year to the Annapolis convention, which made the present constitution of the United States. He was elected by the people of his county in 1798, a member of the Virginia convention which ratified that constitution. He remained in congress from 1788 to March, 1797, the end of general Washington's administration. He was elected a member of the general assembly of Virginia in the spring of 1798, and an elector for president and vice president of the United States in 1800. On the accession of Mr. Jefferson to the presidency in 1801, Mr. Madison was appointed secretary of state; and eight years thereafter he succeeded his great friend and coadjutor as president of the United States, to which high station he was re-elected for a second term, at the end of which he retired in March, 1817, to his seat called Montpelier, in Orange county, Virginia, where he has ever since resided—except when attending an agricultural society, of which he was long president—as a visiter and rector of the university of Virginia—and as a member of the state convention to amend the constitution of Virginia—to which the people of his county elected him in 1829; until he took his departure on the 28th ult. in the 86th year of his age, from the theatre of his usefulness to that of his rewards.

GENERAL ORDER.

Navy department, June 30, 1836.

To the officers of the navy and marine corps:

The president of the United States, with deep affliction, announces to the navy and marine corps the death of the illustrious statesman and patriot JAMES MADISON, late president of the United States, who died at Montpelier on the morning of the 28th instant.

As a testimony of the high sense of feeling for the loss which our country has sustained in the death of this great and good man, in which the navy and marine corps participate with the whole American people, the president directs that funeral honors be paid to him by the vessels of the navy in our own and foreign ports, by wearing their colors half-mast, for one week; that twenty-one minute guns be fired at each navy yard and in all public vessels in commission, at 12 o'clock, M. on the day after this order shall be received; and that the officers of the navy and marine corps wear crape on the left arm for six months.

MAHLON DICKERSON.

INTERESTING CORRESPONDENCE.

The reminiscences of the revolution are always read with pleasure, and those particularly which have connection with the memory and the virtues of the illustrious Washington. The following beautiful and interesting correspondence, will be read, says the Albany Journal, with much gratification by the citizens of Albany, as it exhibits the good feeling and patriotism of their predecessors in the great struggle for liberty, and their affectionate regard for the father of our country.

The letters were found among the archives of the Reformed Protestant Dutch church, in this city, and are published by permission.

The humble address of the minister, elders and deacons of the Reformed Protestant Dutch church, in Albany, to his excellency Geo. Washington, esq. general and commander-in-chief of the American army, &c. &c. &c.

SIR: The auspicious visit of the illustrious commander-in-chief, fills the thankful hearts of the patriotic inhabitants of this city with extraordinary joy; whilst it indicates in the most pleasing manner your excellency's famous and justly celebrated attention to all, even the remotest corners of your extensive command, and your friendly intentions to faithful citizens, who have been in former days and dangers, and are yet, so remarkably preserved, under the benign influence of a gracious Providence, by your prosperous direction of our victorious arms, from threatened and impending ruin. We, the minister, elders and deacons, of the Reformed Protestant Dutch church in this city, beg leave to address your excellency on this joyful occasion, deeply impressed with sentiments of sincere gratitude and respect for your exalted merits, and justly dignified character; uniting our humble and earnest prayers to the God of all mercies and grace, that He will be pleased further to honor and crown your excellency with the choicest of His blessings; and to prosper your generous, distinguished and disinterested attempts to restore and establish to this injured and oppressed land of your nativity, that liberty, prosperity and happiness, which the Supreme Possessor and Ruler of the universe shall judge most subservient and conducive to high purposes of His own glory, and the perpetual happiness of the united, free and independent states of America.

May your excellency's precious health and inestimable life be graciously preserved and prolonged; and your excellency ere long enjoy the happy era when your unremitted zeal for the common prosperity of this bleeding country shall be crowned with never fading laurels of a triumphant and glorious peace.

By order of the consistory,

E. WESTERLO, *V. D. et minister.*

Albany, the 28th June, 1782.

To the reverend the minister, the elders and deacons of the Reformed Dutch Protestant church in the city of Albany

GENTLEMEN: I am extremely happy in this opportunity of blending my public duty with my private satisfaction, by paying a due attention to the frontiers and advanced posts of this state, and at the same time visiting the ancient and respectable city of Albany.

While I consider the approbation of the wise and the virtuous as the highest possible reward for my services, I beg you will be assured, gentlemen, that I now experience the most

sensible pleasure from the favorable sentiments you are pleased to express of my conduct.

Your benevolent wishes and fervent prayers for my personal welfare and felicity, demand all my gratitude. May the preservation of your civil and religious liberties still be the care of an indulgent Providence; and may the rapid increase and universal extension of knowledge, virtue and true religion be the consequence of a speedy and honorable peace.

GEO. WASHINGTON.

Albany, June, 1782.

WASHINGTON'S FAREWELL ADDRESS.

From the Boston Daily Advertiser.

We are happy in being able to lay before our readers, so opportunely, the following documents, in anticipation of their appearance among the many very important and interesting historical papers never before published, with which Mr. Sparks' most valuable work abounds. These papers show the extent of the agency of Mr. Madison, in the production of the farewell address, which was written four years after the date of the draft here given, at which time it is known the relations between gen. Washington and Mr. Madison were materially changed.

To the editor of the Daily Advertiser.

SIR: In several of the public journals, remarks have been made respecting the agency of Mr. Madison in preparing Washington's *farewell address*, which have a tendency to produce an erroneous impression. It has been said that this address was originally drawn up by Mr. Madison, and that his draft, "with very slight alterations," was ultimately published.

As the papers relating to this subject will be contained in one of the volumes of "Washington's writings," there seems no impropriety in anticipating their appearance in that publication, so far, at least, as to correct the mistake implied in the above statement. For that purpose, gen. Washington's letter, and Mr. Madison's draft, are herewith communicated.

It will be perceived that the letter was written towards the close of the first presidential term, before Washington had made up his mind to be a candidate for another election; and also, that he had held a previous conversation with Mr. Madison on the subject.

Letter to Mr. Madison.

"*Mount Vernon, May* 20, 1779.

"MY DEAR SIR: As there is a possibility, if not a probability, that I shall not see you on your return home; or if I should see you, it may be on the road, and under circumstances, which may prevent my speaking to you on the subject we last conversed upon, I take the liberty of committing to paper the following thoughts and requests.

"I have not been unmindful of the sentiments expressed by you in the conversations just alluded to. On the contrary I have again and again revolved them with thoughtful anxiety, but without being able to dispose my mind to a longer continuation in the office I have now the honor to hold. I therefore still look forward to my fondest and most ardent wishes to spend the remainder of my days, which I cannot expect to be long, in ease and tranquillity.

"Nothing but a conviction that my declining the chair of government, if it should be the desire of the people to continue me in it, would involve the country in serious disputes respecting the chief magistrate, and the disagreeable consequences which might result therefrom in the floating and divided opinions, which seem to prevail at present, could, in any wise, induce me to relinquish the determination I have formed—and of this I do not see how any evidence can be obtained previous to the election. My vanity, I am sure, is not of that cast as to allow me to view the subject in this light.

"Under these impressions, then, permit me to reiterate the request I made to you at our last meeting, namely to think of the proper time and the best mode of announcing the intention, and that you would prepare the letter. In revolving this subject myself, my judgment has always been embarrassed. On the one hand, a previous declaration to retire, not only carries with it an appearance of vanity and self-importance, but it may be construed into a manœuvre, to be invited to remain; and on the other hand, to say nothing, implies consent, or, at any rate, would leave the matter in doubt; and to decline afterwards might be deemed as bad, and uncandid.

"I would fain carry my request to you father than is asked above, although I am sensible that your compliance with it must add to your trouble. But as the recess may afford you leisure, and I flatter myself you have dispositions to oblige me, I will, without apology, desire, if the measure in itself should strike you as proper, or likely to produce public good or private honor, that you would turn your thoughts to a valedictory address from me to the public, expressing in plain and modest terms, that, having been honored with the presidential chair, and to the best of my abilities contributed to the organization and administration of the government; that, having arrived at a period of life, when the private walks of it in the shades of retirement become necessary, and will be most pleasing to me; and the spirit of the government may render a rotation in the elective officers of it more congenial with their ideas of liberty and safety, that I take my leave of them as a public man; and, in bidding them adieu, retaining no other concern than such as will arise from fervent wishes for the prosperity of my country, I take the liberty at my departure from civil, as I formerly did at my military exit, to invoke a continuation of the blessings of Providence upon it, and upon all those who are the supporters of its interests, and the promoters of harmony, order and good government.

"That, to impress these things, it might among other topics be observed, that we are *all* the children of the same country, a country great and rich in itself, capable, and promising to be as prosperous and happy as any, which the annals of history have ever brought to our view—that our interest however diversified in local and smaller matters, is the same in all the great and essential concerns of the nation—that the extent of our country, the diversity of our climate and soil, and the various productions of the states consequent of both, are such as to make one part not only convenient, but perhaps indispensably necessary to the other part, and may render the whole, at no distant period, one of the most independent, (nations), in the world; that the established government being the work of our own hands, with the seeds of amendment engrafted in the constitution, may, by wisdom, good dispositions and mutual allowances, aided by experience, bring it as near to perfection as any human institution ever approximated, and, therefore, the only strife among us ought to be, who should be foremost in facilitating and finally accomplishing such great and desirable objects, by giving every possible support and cement to the union—that, however necessary it may be to keep a watchful eye over public servants and public measures, yet there ought to be limits of it, for suspicions unfounded and jealousies too lively are irritating to honest feelings, and oftentimes are productive of more evil than good.

"To enumerate the various subjects; which might be introduced into such an address, would require thought, and to mention them to you would be unnecessary, as your own judgment will comprehend *all* that will be proper. Whether to touch specifically any of the exceptionable parts of the constitution may be doubted. All I shall add, therefore, at present is, to beg the favor of you to consider; First, the propriety of such an address; Secondly, if approved, the several matters which ought to be contained in it; Thirdly, the time it should appear; that is, whether at the declaration of my intention to withdraw from the service of the public, or to let it be the closing act of my administration, which will end with the next session of congress; the probability being that that body will continue sitting until March, when the house of representatives will also dissolve.

"Though I do not wish to hurry you, (the case not pressing), in the execution of either of the publications before mentioned, yet I should be glad to hear from you generally on both, and to receive them in time, if you should not come to Philadelphia before the session commences, in the form they are finally to take. I beg leave to draw your attention also to such things as you shall conceive fit subjects for communication on that occasion; and, noting them as they occur, that you would be so good as to furnish me with them in time to be prepared, and engrafted with others for the opening of the session. With very sincere and affectionate regards, I am ever yours,

GEORGE WASHINGTON."

At the time of receiving this letter, Mr. Madison was at his residence in Virginia. In compliance with the request contained in it, he drew up the following paper, carried it with him when he returned to congress, and gave it into the hands of the president.

MR. MADISON'S DRAFT.

"The period which will close the appointment with which my fellow citizens have honored me, being not very distant, and the time actually arrived at which their thoughts must be designating the citizen, who is to administer the executive government of the United States during the ensuing term, it may be requisite to a more distinct expression of the public voice, that I should apprise such of my fellow citizens as may retain their partiality towards me, that I am not to be numbered among those out of whom a choice is to be made.

"I beg them to be assured, that the resolution which dictates this intimation, has not been taken without the strictest regard to the relation, which as a dutiful citizen, I bear to my country; and that in withdrawing that tender of my service, which silence in my situation might imply, I am not influenced by the smallest deficiency of zeal for its future interests, or of grateful respect for its past kindness; but by the fullest persuasion, that such a step is compatible with both.

"The impressions under which I entered on the present arduous trust, were explained on the proper occasion. In discharge of this trust, I can only say that I contributed, towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. For any errors, which may have flowed from this source, I feel all the regret which an anxiety for the public good can excite; not without the double consolation, however, arising from a consciousness of their being involuntary, and an experience of the candor which will interpret them.

"If there were any circumstances, which could give value to my inferior qualifications for the trust, these circumstances must have been temporary. In this light was the undertaking viewed when I ventured upon it. Being moreover still farther advanced in the decline of life, I am every day more sensible, that the increasing weight of years renders the private walks of it, in the shade of retirement, as necessary as they will be acceptable to me.

"May I be allowed to add, that it will be among the highest as well as purest enjoyments that can sweeten the remnant of my

days, to partake in a private station, in the midst of my fellow citizens, of that benign influence of good laws under a free government, which has been the ultimate object of all our wishes, and in which I confide as the happy reward of our cares and labors? May I be allowed further to add, as a consideration far more important, that an early example of rotation in an office of so high and delicate a nature, may equally accord with the republican spirit of our constitution, and the ideas of liberty and safety entertained by the people.

[If a farewell address is to be added at the expiration of the term, the following paragraph may conclude the present.]

"Under these circumstances, a return to my private station, according to the purpose with which I quitted it, is the part which duty as well as inclination assigns me. In executing it, I shall carry with me every tender recollection, which gratitude to my fellow citizens can awaken; and a sensibility to the permanent happiness of my country, which will render it the object of my increasing vows and most fervent supplications."

[Should no further address be intended, the preceding clause may be omitted and the present address proceed as follows.]

"In contemplating the moment at which the curtain is to drop forever on the public scenes of my life, my sensations anticipate, and do not permit me to suspend, the deep acknowledgments required by that debt of gratitude, which I owe to my beloved country, for the many honors it has conferred upon me, for the distinguished confidence it has reposed in me, and for the opportunities I have thus enjoyed, of testifying my inviolable attachment by the most steadfast services which my faculties could render.

"All the returns I have now to make will be in those vows, which I shall carry with me to my retirement and to my grave, that heaven may continue to favor the people of the U. States with the choicest tokens of its benificence; that their union and brotherly affection may be perpetual; that the free constitution, which is the work of their own hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and with virtue; and that this character may be ensured to it, by that watchfulness over public servants and public measures, which on one hand will be necessary to prevent or correct a degeneracy;—and that forbearance on the other, from unfounded or indiscriminate jealousies, which would deprive the public of the best services, by depriving a conscious integrity of one of the noblest incitements to perform them; that, in fine, the happiness of the people of America, under the auspices of liberty, may be made complete, by so careful a preservation, and so prudent a use of this blessing, as will acquire them the glorious satisfaction of recommending it to the affection, the praise and the adoption of every nation, which is yet a stranger to it.

"And may we not dwell with well grounded hopes on this flattering prospect, when we reflect on the many ties by which the people of America are bound together, and the many proofs they have given of an enlightened judgment and a magnanimous patriotism.

"We may all be considered as the children of one common country. We have all been embarked in one common cause. We have all had our share in common sufferings and common successes. The portion of the earth allotted for the theatre of our fortunes, fulfils our most sanguine desires. All its essential interests are the same, whilst the diversities arising from climate, from soil and from other local and lesser peculiarities, will naturally form a mutual relation of the parts, that may give to the whole a more entire independence, than has perhaps fallen to the lot of any other nation.

"To confirm these motives to an affectionate and permanent union, and to secure the great objects of it, we have established a common government, which being free in its principles, being founded in our own choice, being intended as the guardian of our common rights, and the patron of our common interests, and wisely containing within itself a provision for its own amendment, as experience may point out its errors, seems to promise every thing that can be expected from such an institution; and if supported by wise counsels, by virtuous conduct and by mutual and friendly allowances, must approach as near to perfection as any human work can aspire, and nearer than any which the annals of mankind have recorded.

"With these wishes and hopes I shall make my exit from civil life; and I have taken the same liberty of expressing them, which I formerly used in offering the sentiments which were suggested by my exit from military life.

"If, in either instance, I have presumed more than I ought, on the indulgence of my fellow citizens, they will be too generous to ascribe it to any other cause, than the extreme solicitude which I am bound to feel, and which I can never cease to feel, for their liberty, their prosperity, and their happiness."

Such is Mr. Madison's draft, which was evidently consulted in preparing the final *farewell address*, but on a comparison of the two it will be found that there is but little resemblance between them. In a conversation on the subject, Mr. Madison said to me, that he aimed chiefly to express the ideas contained in Washington's letter, with such additions only as were required to complete the form of an address. He spoke in high praise of the letter, as touching on the most essential topics in a condensed and pointed manner. The draft met Washington's entire approbation at the time. And indeed there was no man, whom he consulted for many years more freely than Mr. Madison, or in whose talents, judgment and fidelity, he had a stronger confidence, which is abundantly proved by the written correspondence that passed between them.

JARED SPARKS.

ERIE AND CHAMPLAIN CANAL DEBT.

The history of the world so far as relates to canals, will not furnish a more gratifying statement than the following. Those of us who are familiar with its early history, cannot but look back with astonishment at the result, at the period when the legislature was discussing the propriety of constructing the canal, it was boldly asserted that the then generation would never live to see it finished, that the expense would bankrupt the state, and that it was a political hobby for De Witt Clinton to ride into power upon. Those who made these predictions, have long since repented of, or been ridiculed for their folly. Although the work soon after its commencement fell into the hands of its bitterest enemies, yet it has triumphed over every embarrassment, and we now have the cheering fact, that a sufficient fund is already accumulated, to pay for the whole work, extinguish the debt, and leave the state possessed of the most valuable legacy that has ever fallen to any independent state. The following, which we copy from the Albany Argus, deserves to be read by every intelligent person, either in or out of the state.

—

An amendment to the constitution, which was ratified by the people in 1835, provides that whenever a sufficient amount of money is collected and safely invested, to extinguish the debt created for the construction of the Erie and Champlain canals, the 10th section of the 7th article of the constitution, so far as it pledges the auction and salt duties to the payment of the canal debt, shall cease, and that thereafter the revenues derived from auction and salt duties shall be restored to the general fund.

It is shown by the following statements that the commissioners of the canal fund have collected and invested an amount sufficient to cancel the Erie and Champlain canal debt.

Of the stock issued for the construction of the Erie and Champlain canals, the following amounts were outstanding on the first day of July, 1836, viz:

5 per cents of 1837,	$705,148 55	
6 " "	815,386 50	
Total reimbursable in 1837.		$1,520,535 05
5 per cents of 1845,	$1,754,292 23	
6 " "	529,052 62	
Total reimbursable in 1845,		2,283,344 85
Aggregate outstanding,		$803,879 90

The annual interest on the above stock is as follows, viz:

On the 5 per cents of 1837,	$35,257 42	
" 6 " "	48,923 19	
		$84,180 61
" 5 " 1845,	$87,714 61	
" 6 " "	31,748 15	
		119,457 76
Total annual interest,		$203,639 37

The funds provided for the payment of this debt are invested as follows, viz:

Loaned to sundry banks till 1st July, 1837, at 5 per cent.	$1,091,636 22
Loaned to sundry banks, to be drawn on notice of 60 days, at 5 per cent.	756,000 00
Loan to the city of Albany, at 5 per cent.	150,000 00
Invested in 5 per cent state stock,	183,933 59
Loaned to sundry banks, to be drawn on notice of 60 days at 4½ per cent.	951,784 38
Deposited in sundry banks, payable at sight, at 4½ per cent.	735,085 23
	$3,869,439 42

The annual interest on the investment of the above sum is as follows, viz:

Interest on $2,181,569 81, at 5 per cent.	$109,078 49
Do. on $1,687,869 61, at 4½ per cent.	75,954 13
Total interest,	$185,032 62

The amount of interest receivable annually on the investment of the canal fund moneys, is less by $18,605 75, than the interest payable on the outstanding debt. A difference to this extent, however, will exist only for one year. On the first of July, 1837, interest will cease on $1,520,535 05 of the debt, this being the amount which was payable at that time.

Assuming that the canal fund investments will yield an interest of 5 per cent. on the whole sum remaining after the debt of 1837 is paid, and the interest receivable annually after the first of July next, on the investment for the payment of the debt of 1845, will amount to $114,167 24. The interest on the outstanding debt of 1845, is $119,457 77. Showing that the interest annually receivable on the investment, will be less by $5,290 52 than the sum necessary to pay the interest on the outstanding debt. This difference multiplied by 8, the number of years the stock will then have to run, makes a total difference of $42,324 16. Add to this the difference between the interest on the debt and on the investment, from July, 1835, to July, 1837, $18,605 75, and it makes a total of $60,929 91. To provide for this, the

commissioners have set apart and invested an amount of principal, beyond the amount of outstanding debt, equalling the difference between the interest on the debt and the investment, for the whole period referred to.

In 1825, when the Erie and Champlain canals were finished, the canal debt, for which stock had been issued, amounted to the sum of $7,737,770 99

The following amounts of stock have since been redeemed, viz:

In 1826,	$270,000 00	
" 1827,	94,514 00	
" 1828,	20,000 00	
" 1829,	321,142 99	
" 1830,	30,977 14	
" 1833,	1,478,376 57	
" 1834,	580,006 61	
" 1835,	706,943 49	
" 1836, to July 1,	423,820 29	
		3,933,091 09
		$3,803,879 90

In January, 1833, the commissioners had in their hands $3,250,000 of the surplus canal fund moneys; and as none of the stock was payable until the first of July, 1837, they were presented with the alternative of purchasing up the stock at a high premium, or allowing the surplus to accumulate to an amount of seven or eight millions of dollars, before the period would arrive when any portion of the stock could be redeemed at par. In order to keep down the surplus, and also to diminish gradually the amount payable in 1837, the commissioners adopted the course of redeeming the stock at the highest market price, and in 3½ years they have paid for principal and premiums the sum of $3,450,599 22, averaging about one million of dollars for each year. Notwithstanding the application of this large amount to the payment of the debt, and the disbursement of about $400,000 annually for canal expenses, it will be seen that the balance in the hands of the commissioners on the first of January, 1833, has been increased from $3,250,000 to $3,869,439 42, on the first of July, 1836; showing that if the surplus had not been applied to the payment of the debt, in the manner before stated, there would have been a surplus in the hands of the commissioners, on the 1st of July, 1836, of $7,320,038 64. This amount of money, placed in any situation to yield an interest to the fund, would necessarily have become intermingled with the transactions of the banks and all the business operations of the state: and the withdrawal of $3,489,000 at one time, to pay the debt of 1837, would have produced much inconvenience to the banks and the trade of the country. The sum payable in 1837 has been reduced to $1,520,000; a sum which can be paid by draft of 40 per cent. of the amount invested for the payment of the whole canal debt.

The following is a summary of the moneyed operations of the commissioners of the canal fund, from the first organization of the board in 1817, to the first of July, 1836, showing the sources from whence the canal revenues have been derived, and the general objects of their expenditures.

Received by the commissioners.

Avails of the loans exclusive of premiums,	$7,672,782 24
Premiums on loans,	223,368 76
Tolls	11,938,382 70
Vendue duty,	3.592,039 05
Salt duty,	2,044,812 90
Steamboat tax,	73,509 99
Sale of lands,	72,090 23
Interest on investments of surplus,	750,077 45
Rents of surplus water,	18,073 24
Other receipts,	25,814 09
	$26,411,450 56

Paid by the commissioners.

To commissioners for constructions of canals,	$9,966,447 35
Interest on money borrowed,	5,206,871 99
To superintendents of canal repairs,	2,943,441 46
In cancelling stock, viz: principal,	3,947,691 09
Premium on do.	267,222 46
For stock of Western Inland Lake Nav. co.	152,718 52
Miscellaneous payments,	212,094 58
	$22,696,987 45

The act of 1817, which authorised money to be borrowed for the construction of the Erie and Champlain canals, set apart the duties derived from the salt springs and auction duties, &c. as a fund to pay the interest on the money borrowed. It will be seen by the preceding statement, the canal fund has derived from auction and salt duties, and tax on steamboats, the sum of $5,710,361 94

While the interest paid on all money borrowed has amounted to 5,206,871 91

Excess of auxiliary found beyond the interest, $503,480 95

The whole sum received for premiums on stock issued by the commissioners, amounts to $223,368 76

The commissioners have paid in premiums, in order to redeem this stock, the sum of 267,222 46

The payments on account of premiums, exceeding the receipts, by the sum of $43,853 70

The revenues of the canal fund beyond the expenditures for the interest on the debt and repairs of the canals, began to accumulate in 1826, and in that year the plan was adopted of loaning the surplus to banks on stipulated interest. In a period of ten years, the canal fund has been increased, by payment from the banks for interest on loans and deposites of the surplus, to the amount of $646,851 96

And from interest on other investments, 113,227 19

Total increase from interest on investments, $750,079 45

When this mode of investment was first adopted, the interest paid was 3½ per cent. At the present time the banks are paying 5 per cent. on nearly two millions of dollars and 4½ per cent. on more than a million and a half.

PRESIDENTIAL ELECTION.

The election of president and vice president of the United States, for the term of four years, commencing March 4th, 1837, will be made on Wednesday, the 7th day of December, 1836, the electors meeting at the capitols of the respective states in which they are chosen. The choice of electors must be made within *thirty-four days* of the said first Wednesday of December. The following shows the number of votes to which each state is entitled, with the time of election:

States.	*No. of votes.*	*When held.*
Maine	10	November 7
New Hampshire	7	do. 7
Massachusetts	14	do. 14
Rhode Island	4	do. 23
Connecticut	8	do. 7
Vermont	7	do. 15
New York	42	do. 7
New Jersey	8	do. 7
Pennsylvania	30	do. 4
Delaware	3	do. 7
Maryland	10	do. 14
Virginia	23	do. 7
North Carolina	15	do. 17
South Carolina	11	
Georgia	11	do. 7
Kentucky	15	do. 7
Tennessee	15	do. 17
Ohio	21	do. 4
Indiana	9	do. 7
Mississippi	4	do. 7
Illinois	5	do. 7
Alabama	7	do. 14
Missouri	4	do. 7
Louisiana	5	do. 8
Michigan	3	
Arkansas	3	
Total	294	

All the states choose by general ticket except South Carolina, which chooses by the legislature. It will be seen that Pennsylvania and Ohio open the ball three days in advance of any of the other states. These great states, if they go against Mr. Van Buren, as it is confidently expected they will, will defeat his election. *Nous verrons* [*Boston Atlas.*

ARMY OF THE UNITED STATES.

GENERAL ORDER, NO. 46.

Head quarters of the army, adjutant general's office, Washington, July 6, 1836.

1. Promotions and appointments in the army, since the 1st January, 1836.

I—PROMOTIONS.

Corps of engineers.

Brevet 2d lieut. George W. Cullum, to be 2d lieut. 20th April, 1836; vice Bartlett appointed professor of natural and experimental philosophy, M. A.

First regiment of dragoons.

Lieut col. Stephen W. Kearny, to be colonel; 4th July, 1836; vice Dodge appointed governor of the territory of Wisconsin.

Major Richard B. Mason, to be lieut. colonel; 4th July, 1836; vice Kearny promoted.

Captain Clifton Wharton, to be major; 4th July, 1836; vice Mason promoted.

1st lieut. Isaac P. Simonton, to be captain; 4th July, 1836; vice Wharton promoted.

2d lieut. J. W. Shaumburg, to be 1st lieutenant; 1st March, 1836; vice Noland resigned.

2d lieut. Enoch Steen, to be 1st lieutenant; 5th March, 1836; vice Izard deceased.

2d lieut. Burdett A. Terrett, to be 1st lieutenant; 31st March, 1836; vice Lupton resigned.

2d lieut. Wm. Eustis, to be 1st lieutenant; 15th June, 1836; vice Wheelock deceased.

2d lieut. Lucius B. Northrop, to be 1st lieutenant; 4th July, 1836; vice Simonton promoted.

Brevet 2d lieut. Alexander S. Macomb, to be 2d lieutenant; 1st March, 1836; vice Shaumburg promoted, (bvt. 1st July, 1835).

Brevet 2d lieut. Abraham R. Johnson, to be 2d lieutenant; 31st March, 1836; vice Terrett promoted; (bvt. 1st July, 1835).

Brevet 2d lieut. Philip R. Thompson, to be 2d lieutenant; 26th May, 1836; vice Hanly deceased; (bvt. 1st July, 1835).

Brevet 2d lieut. Benjamin S. Roberts, to be 2d lieutenant; 31st May, 1836; vice Lea resigned; (bvt. 1st July, 1835).

Brevet 2d lieut. William N. Grier, to be 2d lieutenant; 15th June, 1836; vice Eustis promoted; (bvt. 1st July, 1835).

Brevet 2d lieut. Richard G. Stockton, to be 2d lieutenant; 4th July, 1836; vice Northrop promoted; (bvt. 1st July, 1836).

First regiment of artillery.

Brevet major Benjamin K. Pierce, captain of the 4th regiment of artillery, to be major; 11th June, 1836; vice Gates dismissed.

2d lieut. James H. Prentiss, to be 1st lieutenant; 29th Feb. 1836; vice Farley resigned.

2d lieut. John B. Magruder, to be 1st lieutenant; 31st March, 1836; vice Tilghman resigned.

2d lieut. Jacob Ammen, to be 1st lieutenant; 3d May, 1836; vice French resigned.

Brevet 2d lieut. William H. Betts, to be 2d lieutenant; 29th February, 1836; vice Prentiss promoted; (bvt. 1st July, 1835).

Brevet 2d lieut. George G. Waggaman, to be 2d lieutenant; 31st March, 1836; vice Magruder promoted; (bvt. 1st July, 1835).

Second regiment of artillery.

Brevet captain Charles Mellon, 1st lieutenant, to be captain; 28th December, 1835; vice Gardiner deceased.

2d lieut. Thomas B. Linnard, to be 1st lieutenant; 28th Dec. 1835; vice Mellon promoted.

2d lieut. R. H. K. Whitcley, to be 1st lieutenant; 28th Dec. 1835; vice Constantine Smith deceased.

2d lieut. Richard H. Peyton, to be 1st lieutenant; 28th June, 1836; vice Fitzhugh resigned.

Brevet 2d lieut. Horace Brooks, to be 2d lieutenant; 28th Dec. 1839; vice Linnard promoted; (bvt. 1st July, 1835).

Brevet 2d lieut. James M. Morgan, to be 2d lieutenant; 28th Dec. 1835; vice Whiteley promoted; (bvt. 1st July, 1835).

Brevet 2d lieut. Henry L. Kendrick, to be 2d lieutenant; 1st April, 1836; vice Legate resigned; (bvt. 1st July, 1835).

Brevet 2d lieut. John F. Roland, to be 2d lieutenant; 4th July, 1836; vice Henderson deceased; (bvt. 1st July, 1836).

Third regiment of artillery.

Brevet captain John R. Vinton, 1st lieut. to be captain; 28th December, 1835; vice Fraser deceased.

2d lieut. Daniel S. Herring, to be 1st lieutenant; 28th Dec. 1835; vice Vinton promoted.

2d lieut. Albert E. Church, to be 1st lieutenant; 13th January, 1836; vice Parrott appointed captain of ordnance.

2d lieut. Robert E. Temple, to be 1st lieutenant; 22d June, 1836; vice Herring deceased.

2d lieut. Joseph A. Smith, to be 1st lieutenant; 30th June, 1836; vice Greene resigned.

Brevet 2d lieut. George G Meade, to be 2d lieutenant; 31st Dec. 1835; vice Child resigned; (bvt. 1st July, 1835).

Fourth regiment of artillery.

Brevet captain Samuel Cooper, 1st lieutenant, to be captain; 11th June, 1836; vice Pierce promoted.

2d lieut. Danforth H. Tufts, to be 1st lieutenant; 10th June, 1836; vice Bliss resigned.

2d lieut. Charles O. Collins, to be 1st lieutenant; 11th June, 1836; vice Cooper promoted.

2d lieut. James Barnes, to be 1st lieutenant; 30th June, 1836; vice Hopkins resigned.

Brevet 2d lieut. William G. Freeman, to be 2d lieutenant; 8th June, 1836; vice Lane appointed capt. 2d regiment of dragoons; (bvt. 1st July, 1834).

Brevet 2d lieut. Joseph Roberts, to be 2d lieutenant; 10th June, 1836; vice Tufts promoted; (bvt. 1st July, 1835).

Brevet 2d lieut. James H. Stokes, to be 2d lieutenant; 11th June, 1836; vice Collins promoted; (bvt. 1st July, 1835).

First regiment of infantry.

Brevet 2d lieut. George H. Pegram, to be 2d lieutenant; 11th June, 1836; vice Beall appointed 1st lieut. 2d regiment of dragoons; (bvt. 1st July, 1833).

Third regiment of infantry.

1st lieut. Henry Bainbridge, to be captain; 15th June, 1836; vice Harrison deceased.

2d lieut. Jefferson Van Horne, to be 1st lieutenant; 1st April, 1836; vice Colcock resigned.

2d lieut. Thomas Cutts, to be 1st lieutenant; 15th June, 1836; vice Bainbridge promoted.

Brevet 2d lieut. Philip N. Barbour, to be 2d lieutenant; 1st April, 1836; vice Van Horne promoted; (bvt. 1st July, 1834).

Brevet 2d lieut. William S. Henry, to be 2d lieutenant; 15th June, 1836; vice Cutts promoted; (bvt. 1st July, 1835).

Fourth regiment of infantry.

Brevet lieut. col. William S. Foster, major, to be lieut. colonel; 8th June, 1836; vice Twiggs appointed colonel 2d regiment of dragoons.

Brevet major George Birch, captain 7th regiment of infantry, to be major; 8th June, 1836; vice Foster promoted.

1st lieut. William Martin, to be captain; 28th December, 1835; vice Dade deceased.

2d lieut. Washington Hood, to be 1st lieutenant; 28th Dec. 1835; vice Martin promoted.

2d lieut. Chil. S. Howe, to be 1st lieutenant; 31st January, 1836; vice Phillips resigned.

2d lieut. Richard B. Screven, to be 1st lieutenant; 31st January, 1836; vice Alston resigned.

2d lieut. Robert C. Buchanan, to be 1st lieutenant; 16th March, 1836; vice Paige resigned.

Brevet 2d lieut. John W. McCrabb, to be 2d lieutenant; 28th December, 1835; vice Hood promoted; (bvt. 1st July, 1833).

Brevet 2d lieut. Abram C. Myers, to be 2d lieutenant; 31st Dec. 1835; vice Wilkinson resigned; (bvt. 1st July, 1833).

Brevet 2d lieut. Henry L. Scott, to be 2d lieutenant; 31st January, 1836; vice Howe promoted; (bvt. 1st July, 1833).

Brevet 2d lieut. Alex. M. Mitchell, to be 2d lieutenant; 16th March, 1836; vice Buchanan promoted; (bvt. 1st July, 1835).

Brevet 2d lieut. Isaac V. D. Reeve, to be 2d lieutenant; 2d May, 1836; vice Hooper dismissed; (bvt. 1st July, 1835).

Brevet 2d lieut. Henry Prince, to be 2d lieutenant; 11th June; 1836; vice Graham appointed 1st lieut. 2d regiment of dragoons, (bvt. 18th September, 1835).

Fifth regiment of infantry.

1st lieut. Wm. Alexander, to be captain; 18th February, 1836; vice Clark deceased.

1st lieut. St. Clair Denny, to be captain; 1st April, 1836; vice Baxley resigned.

2d lieut. Isaac Lynde, to be 1st lieutenant; 18th February, 1836; vice Alexander promoted.

2d lieut. Robert E. Clary, to be 1st lieutenant; 1st April, 1836; vice Denny promoted.

Brevet 2d lieut. Daniel Ruggles, to be 2d lieutenant; 18th February, 1836; vice Lynde promoted; (bvt. 1st July, 1833).

Brevet 2d lieut. J. Chester Reid, to be 2d lieutenant; 1st April, 1836; vice Clary promoted; (bvt. 1st July, 1833).

Seventh regiment of infantry.

1st lieut. Dickson S. Miles, to be captain; 8th June, 1836; vice Birch promoted.

2d lieut. George W. Cass, to be 1st lieutenant; 3d Dec. 1835; vice Kinney deceased.

2d lieut. Daniel P. Whiting, to be 1st lieutenant; 8th June, 1836; vice Miles promoted.

Brevet 2d lieut. Forbes Britton, to be 2d lieutenant; 18th November, 1835; vice Seaton deceased; (bvt. 1st July, 1834).

Brevet 2d lieut. Alexander Montgomery, to be 2d lieutenant; 3d December, 1835; vice Cass promoted; (bvt. 1st July, 1834).

Brevet 2d lieut. Weightman K. Hanson, to be 2d lieutenant; 8th June, 1836; vice Whiting promoted; (bvt. 1st July, 1835).

Brevet promotion.

Major Julius F. Heileman, of the 2d regiment of artillery, to be lieutenant colonel by brevet, for gallantry and good conduct in the affair of Micanopy, in Florida; to rank from 9th June, 1836.

II—APPOINTMENTS.

Pay department.

Col. Arthur P. Hayne, of South Carolina, to be paymaster; 4th July, 1836.

Morgan Neville, of Ohio, to be paymaster; 4th July, 1836.

Elbert Herring, of N. York, to be paymaster; 4th July, 1836.

Medical department.

Hamilton S. Hawkins, assistant surgeon, to be surgeon; 4th July, 1836.

Alfred W. Elwes, assistant surgeon, to be surgeon; 4th July, 1836.

Robert C. Wood, assistant surgeon, to be surgeon; 4th July, 1836.

Thomas Lee, of New Jersey, to be assistant surgeon; 1st January, 1836.

Bernard M. Byrne, of Maryland, to be assistant surgeon; 20th May, 1836.

Augustus C. Turtelot, of New York, to be assistant surgeon; 21st June, 1836.

Thomas R. Johnson, of Maryland, to be assistant surgeon; 4th July, 1836.

Francis L. Sewall, of Alabama, assistant surgeon; 4th July, 1836.

Edward H. Abadie, of Pennsylvania, assistant surgeon; 4th July, 1836.

Rhett J. Motte, S. Carolina, assistant surgeon; 4th July, 1836.

Military academy.

William H. C. Bartlett, to be professor of natural and experimental philosophy, M. A. 20th April, 1836.

Ordnance department.

Robert P. Parrott, 1st lieut. 3d regiment of artillery, to be captain; 13th January, 1836.

Second regiment of dragoons.

Colonel.

David E. Twiggs, lieut. col. 4th regiment of infantry; 8th June, 1836.

Lieutenant colonel.

Wharton Rector, of Arkansas; 18th June, 1836.

Major.

Thomas T. Fauntleroy, of Virginia; 8th June, 1836.

Captains.

1 William Gordon, of Missouri; 8th June, 1836.
2 John Dougherty, of Missouri; 8th June, 1836.
3 John F. Lane, 2d lieut. of the 4th regt. of artillery; 8th June, 1836.
4 James A. Ashby, of South Carolina; 8th June, 1836.
5 Jonathan L. Bean, of Missouri; 8th June, 1836.
6 Stinson H. Anderson, of Illinois; 8th June, 1836.
7 William W. Tompkins, of New York; 8th June, 1836.
8 Henry W. Fowler, 1st lieut. of marines; 8th June, 1836.
9 Benj. L. Beall, of the District of Columbia; 8th June, 1836.
10 Edward S. Winder, of Maryland; 8th June, 1836.

First lieutenants.

1 Thornton Grimsley, of Missouri; 11th June, 1836.

2 Lloyd J. Beall, 2d lieut. of the 1st regt. of infantry; 11th June, 1836; adjutant.
3 Horatio Grooms, of Kentucky; 11th June, 1836.
4 Thomas S. Bryant, of Pennsylvania; 11th June, 1836.
5 John Graham, 2d lieut. of the 4th regt. of infantry; 11th June, 1836.
6 Townshend Dade, of Virginia; 11th June, 1836.
7 Erasmus D. Bullock, of North Carolina; 11th June, 1836.
8 Marshall S. Howe, of Maine; 11th June, 1836.
9 Charles Spalding, of Georgia; 11th June, 1836.
10 James W. Hamilton, of Missouri; 11th June, 1836.
11 George A. H. Blake, of Pennsylvania; 1836.

Second lieutenants.

1 William Gilpin, of Delaware; 8th June, 1836.
2 William H. Ward, of Kentucky; 8th June, 1836.
3 George Forsyth, of Michigan; 8th June, 1836.
4 Crogan Ker, of Louisiana; 8th June, 1836.
5 John H. P. O'Neale, of the Dist. of Columbia; 8th June, 1836.
6 John W. S. McNiel, of Massachusetts; 8th June, 1836.
7 Zebulon M. P. Maury, of Tennessee; 8th June, 1836.
8 Seth B. Thornton, of Alabama; 8th June, 1836.
9 Charles E. Kingsbury, of Connecticut; 8th June, 1836.
10 Charles A. May, of the District of Columbia; 8th June, 1836.

2. The following named cadets, constituting the 1st class of 1836, having been adjudged by the academic staff, at the June examination, competent to perform duty in the army, the president of the United States has attached them to regiments and corps respectively by promotion therein, or as candidates for commissions.

Corps of engineers.

Rank.

1 Cadet Geo. L. Welcker, to be brevet 2d lieut. 1st July, 1836.
2 Cadet James L. Mason, to be brevet 2d lieut. 1st July, 1836.

First regiment of dragoons.

Company.

44 Cadet Richard G. Stockton, to be brevet 2d lieut. 1st July, 1836; [K.]
46 Cadet Lloyd Tilghman, to be brevet 2d lieut. 1st July, 1836; [E.]
47 Cadet Thomas McCrate, to be brevet 2d lieut. 1st July, 1836; [B.]
48 Cadet Henry C. Moorhead, to be brevet 2d lieut. 1st July, 1836; [C.]

First regiment of artillery.

3 Cadet Danville Leadbetter, to be 2d lieut. 1st July, 1836; [C.]
5 Cadet Montgomery C. Meigs, to be 2d lieut. 1st July, 1836; [B.]
7 Cadet Fisher A. Lewis, to be 2d lieut. 1st July, 1836; [E.]
10 Cadet William H. Warner, to be 2d lieut. 1st July, 1836; [E.)
13 Cadet Marlborough Churchill, to be 2d lieut. 1st July, 1836; [F.]
21 Cadet Alexander P. Crittenden, to be brevet 2d lieut. 1st July, 1836; [C.]
25 Cadet Peter V. Hagner, to be brevet 2d lieut. 1st July, 1836; [H.]
28 Cadet Martin J. Burke, to be brevet 2d lieut. 1st July, 1836; [A.]
32 Cadet John S. Hathaway, to be brevet 2d lieut. 1st July, 1836; [F.]
36 Cadet Arthur B. Lansing, to be brevet 2d lieut. 1st July, 1836; [C.]

Second regiment of artillery.

8 Cadet Samuel J. Bransford, to be 2d lieut. 1st July, 1836; [C.]
11 Cadet Barnabas Conkling, to be 2d lieut. 1st July, 1836; [A.]
14 Cadet David P. De Witt, to be 2d lieut. 1st July, 1836; [B.]
17 Cadet Roland A. Luther, to be 2d lieut. 1st July, 1836; [I.]
19 Cadet John F. Roland, to be brevet 2d lieut. 1st July, 1836; [E.]
22 Cadet Henry H. Lockwood, to be brevet 2d lieut. 1st July, 1836; [F.]
26 Cadet Muscoe L. Shackelford, to be brevet 2d lieut. 1st July, 1836; [A.]
29 Cadet John W. Judson, to be brevet 2d lieut. 1st July, 1836; [G.]
33 Cadet Robert Allen, to be brevet 2d lieut. 1st July, 1836; [F.]
27 Cadet Charles B. Daniels, to be brevet 2d lieut. 1st July, 1836; [H.]

Third regiment of artillery.

4 Cadet Joseph R. Anderson, to be 2d lieut. 1st July, 1836; [B.]
6 Cadet Daniel P. Woodbury, to be 2d lieut. 1st July, 1836; [C.]
9 Cadet Augustus P. Allen, to be 2d lieut. 1st July, 1836; [C.]
12 Cadet William B. Wallace, to be 2d lieut. 1st July, 1836; [H.]
15 Cadet James L. Donaldson, to be 2d lieut. 1st July, 1836; [F.]
18 Cadet Thomas W. Sherman, to be 2d lieut. 1st July, 1836; [G.]
23 Cadet Christopher A. Greene, to be brevet 2d lieut. 1st July, 1836; [D.]
27 Cadet Christopher Q. Tompkins, to be brevet 2d lieut. 1st July 1836; [F.]
30 Cadet Israel C. Woodruff, to be brevet 2d lieut. 1st July, 1836; [H.]
34 Cadet William Frazer, to be brevet 2d lieut. 1st July, 1836; [I.]
38 Cadet William Mock, to be brevet 2d lieut. 1st July, 1836; [A.]

Fourth regiment of artillery.

16 Cadet John P. J. O'Brien, to be 2d lieut. 1st July, 1836; [B.]
20 Cadet Charles B. Sing, to be brevet 2d lieut. 1st July, 1836; [B.]
24 Cadet John W. Phelps, to be brevet 2d lieut. 1st July, 1836; [C.]
31 Cadet William B. Arvin, to be brevet 2d lieut. 1st July, 1836; [H.]
35 Cadet George C. Thomas, to be brevet 2d lieut. 1st July, 1836; [A.]

Fourth regiment of infantry.

40 Cadet Charles Hoskins, to be brevet 2d lieut. 1st July, 1836; [F.]
42 Cadet Collinson R. Gates, to be brevet 2d lieut. 1st July, 1836; [H.)
43 Cadet Marcus C. M. Hammond, to be brevet 2d lieut. 1st July, 1836; [E.]
49 Cadet Charles H. E. Spoor, to be brevet 2d lieut. 1st July, 1836; [B.]

Fifth regiment of infantry.

41 Cadet Samuel Whitehorn, to be brevet 2d lieut. 1st July, 1836; [E.]

Seventh regiment of infantry.

39 Cadet Robert F. Baker, to be brevet 2d lieut. 1st July, 1386; [G.]
45 Cadet Thomas P. Chiffelle, to be brevet 2d lieut. 1st July, 1836; [H.]

3. The graduates of the military academy, of the present year, above promoted, will immediately report by letter to their respective colonels; and on the 30*th September*, join the several regiments and companies to which they have been assigned, and report for duty agreeably to regulations.

III—CASUALTIES.

Resignations.—(30).

Captain.		
Joseph Baxley,	5th infantry,	1st April, 1836.
First lieutenants.		
Lancaster P. Lupton,	1st dragoons,	31st March, 1836.
C. F. M. Noland,	1st dragoons,	1st March, 1836.
John Farley,	1st artillery,	29th Feb. 1836.
Richard C. Tilghman,	1st artillery,	31st March, 1836.
Edmund French,	1st artillery,	3d May, 1836.
Henry W. Fitzhugh,	2d artillery,	28th June, 1836.
George S. Greene,	3d artillery,	30th June, 1836.
Horace Bliss,	4th artillery,	10th June, 1836.
William F. Hopkins,	4th artillery,	30th June, 1836.
Richard W. Colcock,	3d infantry,	1st April, 1836.
Elias Philips,	4th infantry,	31st Jan. 1836.
Timothy Paige,	4th infantry,	16th March, 1836.
Samuel R. Alston,	4th infantry,	31st Jan. 1836.
Second lieutenants.		
*Wm. H. C. Bartlett,	corps of engineers,	20th April, 1836.
Albert M. Lea,	1st dragoons,	31st May, 1836.
George W. Turner,	1st artillery,	30th June, 1836.
Francis H. Smith,	1st artillery,	1st May, 1836.
Thomas A. Morris,	1st artillery,	13th April, 1836.
Arnoldus V. Brumby,	1st artillery,	30th June, 1836.
William T. Stockton,	2d artillery,	31st May, 1836.
Charles J. Whiting,	2d artillery,	31st May, 1836.
George M. Legate,	2d artillery,	1st April, 1836.
George Fetterman,	3d artillery,	31st May, 1836.
John H. Allen,	3d artillery,	30th June, 1836.
Brevet second lieutenants.		
John H. Martindale,	1st dragoons,	10th March, 1836.
Robert M. Renick,	4th artillery,	30th April, 1836.
John W. Scott,	2d infantry,	15th March, 1836.
Hugh McLeod,	3d infantry,	30th June, 1836.
Staff.		
S. Etting Myers,	assistant surgeon,	31st March, 1836.

Deaths.—(18).

†Brevet maj. Francis L. Dade, capt. 4th infantry, 28th December, 1835.
Brevet maj. Nathan Clark, capt. 5th infantry, 18th Feb. 1836.
†Capt. Upton S. Fraser, 3d artillery, 28th December, 1835.
†Capt. George W. Gardiner, 2d artillery, 28th December, 1835.
Capt. Thomas J. Harrison, 3d infantry, 15th June, 1836.
Capt. Richard Bache, ordnance, 13th January, 1836.
1st lieut. Constantine Smith, 2d artillery, 28th Dec. 1835.
1st lieut. James F. Izard, 1st dragoons, 5th March, 1836.
1st lieut. T. B. Wheelock, 1st dragoons, 15th June, 1836.
1st lieut Samuel Kinney, 7th infantry, 3d December, 1835.
2d lieut. John H. Hanly, 1st dragoons, 26th May, 1836.
†2d lieut. William E. Basinger, 2d artillery, 28th Dec. 1835.
2d lieut. J. E. Henderson, 2d artillery, 4th July, 1836.
2d lieut. Daniel S. Herring, 3d artillery, 22d June, 1836.
†2d lieut. Robert R. Mudge, 3d artillery, 28th December, 1835.

*Appointed professor of natural and experimental philosophy, M. A.

†Killed in Florida, in the action of the 28th December, 1835.

*Brevet 2d lieut. John L. Keais, 3d artillery 28th Dec. 1835.
*Assistant surgeon John S. Gatlin, 28th December, 1835.
Assistant surgeon Benjamin F. Noursc, 19th May, 1836.

Reappointed.

Captain Benjamin L. E. Bonneville, 7th reg. infantry; to rank from 4th October, 1825.

1st lieut. William Martin, 4th reg. infantry; to rank from 25th March, 1826.

Correction of dates.

Captain William M. Graham, of the 4th regiment of infantry, to rank from the *4th April*, 1832, instead of the 6th July, 1832.

1st lieut. Francis D. Newcomb, of the 4th regiment of infantry, to rank from the *4th April*, 1832, instead of 6th July, 1832.

4. The officers promoted and appointed will report accordingly, and join their proper stations, and companies, without delay; those on detached service, or acting under special orders and instructions, will report by *letter* to their respective colonels.

"*IV—Rule to be observed in ordinary cases of promotions.*"

5. "If a field officer, the officer *promoted* will join the regiment and station of his predecessor; if a company officer, he will join the particular company where the vacancy to which he succeeds may have occurred."

By order of major general MACOMB:

R. JONES, *adjutant general.*

TREATY WITH VENEZUELA.

By the president of the United States of America.

A PROCLAMATION.

WHEREAS, a treaty of peace, friendship, navigation and commerce, between the United States of America and the republic of Venezuela, was concluded and signed at Caracas, on the 20th day of January, in the year of our Lord one thousand eight hundred and thirty-six, which treaty is word for word as follows:

Treaty of peace, friendship, navigation and commerce between the United States of America and the republic of Venezuela.

The United States of America and the republic of Venezuela, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of friendship, commerce and navigation. For this most desirable object, the president of the United States of America has conferred full powers on John G. A. Williamson, a citizen of the said states, and their charge d'affairs to the said republic, and the president of the republic of Venezuela on Santos Michelena, a citizen of the said republic, who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

ARTICLE 1.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the republic of Venezuela, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE 2.

The United States of America and the republic of Venezuela, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE 3.

The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens do, or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected; but it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved, by the parties respectively, according to their own separate laws.

ARTICLE 4.

They likewise agree that, whatever kind of produce, manufactures or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the republic of Venezuela; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufactures or merchandise of any foreign country can be, from time to time, lawfully imported into the republic of Venezuela in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the republic of Venezuela.

ARTICLE 5.

For the better understanding of the preceding article and taking into consideration the actual state of the commercial marine of the republic of Venezuela, it has been stipulated and agreed, that all vessels belonging exclusively to a citizen or citizens of said republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessel.

ARTICLE 6.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the republic of Venezuela, and no higher or other duties shall be imposed on the importation into the republic of Venezuela of any articles, the produce or manufactures of the United States, that are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the republic of Venezuela, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the republic of Venezuela, to or from the territories of the United States, or to or from the territories of the republic of Venezuela, which shall not equally extend to all other nations.

ARTICLE 7.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships and other citizens of both countries; to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favored nation.

ARTICLE 8.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE 9.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity; giving to them all favor and protection for repairing their ships, procuring provisions, and place themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

ARTICLE 10.

All the ships, merchandise and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year, by the parties themselves, their attorneys or agents of their respective governments.

ARTICLE 11.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported, unless they be destined for consumption.

ARTICLE 12.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country wherein the goods are, shall be subject to pay in like cases. And if in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted

*Killed in Florida, in the action of the 28th December, 1835.

to them the term of three years, to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE 13.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ in defence of their rights, such advocates, solicitors, notaries, agents and factors as they may judge proper, in all their trials at law, and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

ARTICLE 14.

The citizens of the United States residing in the territories of the republic of Venezuela, shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented or disturbed on account of their religious belief. Neither shall they be annoyed, molested or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, with the decorum due to divine worship, and with due respect to the laws, usages and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the republic of Venezuela, in convenient and adequate places, to be appointed and established by themselves, for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise, nor upon any account. In like manner, the citizens of Venezuela shall enjoy within the government and territories of the United States, a perfect and unrestrained liberty of conscience and of exercising their religion publicly or privately, within their own dwelling houses, or in the chapels and places of worship appointed for that purpose, agreeably to the laws, usages and customs of the United States.

ARTICLE 15.

It shall be lawful for the citizens of the United States of America and of the republic of Venezuela, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port, to the places of those who now are, or hereafter shall be at enmity with either of the contracting parties. It shall, likewise, be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both, or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place, belonging to an enemy, to another place, belonging to an enemy, whether they be under the jurisdiction of one power, or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they may be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies. Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ARTICLE 16.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemy's vessels, shall be held and considered as enemy's property, and, as such, shall be liable to detension and confiscation; except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it: but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandises of the neutral, embarked in such enemy's ship, shall be free.

ARTICLE 17.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breast-plates, coats of mail, infantry-belts, and clothes made up in the form and for a military use.

3d. Cavalry-belts, and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials, manufactured, prepared and formed expressly to make war by sea or land.

ARTICLE 18.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties even to places belonging to an enemy; excepting, only, those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places only are besieged or blockaded, which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE 19.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great or of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE 20.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated; unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE 21.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties, on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boats with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed, that the neutral party shall, in no case, be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE 22.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ships, as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites, said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

ARTICLE 23.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply

only to those which sail without convoy, and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belongs to the nation whose flag he carries; and when they are bound to an enemy's port, that they have no contraband goods on board shall be sufficient.

ARTICLE 24.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judgment against any vessel, or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE 25.

Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy, against the said party, so at war, under the pain of being considered as a pirate.

ARTICLE 26.

If, by any fatality, which cannot be expected and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts, and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects, wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and the republic of Venezuela, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE 27.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestrated or confiscated.

ARTICLE 28.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree to grant to the envoys, ministers and other public agents, the same favors, immunities and exemptions which those of the most favored nation do, or shall enjoy: it being understood that whatever favors, immunities or privileges, the United States of America or the republic of Venezuela may find it proper to give to the ministers and other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE 29.

To make more effectual the protection which the United States and the republic of Venezuela shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities, of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem convenient.

ARTICLE. 30.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited, and, having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE 31.

It is likewise agreed that the consuls, their secretaries, officers and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempted from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, natives and foreign, of the country in which they reside are subject, being in every thing besides, subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ARTICLE 32.

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detension and custody, of deserters from the public and private vessels of their country, and for that purpose, they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand so proved, (saying, however, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE 33.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the consuls and vice-consuls of the respective parties

ARTICLE 34.

The United States of America and the republic of Venezuela, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty of peace, amity commerce and navigation, have declared solemnly, and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be perpetually and permanently binding on both powers.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

3d. If, (what indeed cannot be expected), unfortunately any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorise any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns and states.

The present treaty of peace, amity, commerce and navigation, shall be approved and ratified by the president of the U. States of America, by and with the advice and consent of the senate thereof, and by the president of the republic of Venezuela, with the consent and approbation of the congress of the same; and the ratifications shall be exchanged in the city of Caracas, within eight months, to be counted from the date of the signature hereof, or sooner if possible.

In faith whereof, we, the plenipotentiaries of the U. States of America and of the republic of Venezuela, have signed and sealed these presents.

Done in the city of Caracas, on the twentieth day of January, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixtieth year of the independence of the United States of America, and the twenty-sixth of that of the republic of Venezuela.

JOHN G. A. WILLIAMSON, [L. S].
SANTOS MICHELENA. [L. S.]

And whereas, the said treaty has been duly ratified on both parts, and the respective ratification of the same were exchanged at Caracas, on the thirty-first day of May, one thousand eight hundred and thirty-six, by John G. A. Williamson, charge d'affaires of the United States to Venezuela, and Jose Eusebio Gallegos, secretary of foreign relations and of the treasury of that republic, on the part of their respective governments:

NOW, THEREFORE, BE IT KNOWN, THAT I, ANDREW JACKSON, president of the United States of America, have caused the said treaty to be made public, to the end, that the same, and every clause and article thereof may be observed and fulfilled with good faith by the United States and citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twentieth day of June, in the year of our Lord one thousand eight hundred and [L. S.] thirty-six, and of the independence of the U. States the sixtieth. ANDREW JACKSON.

By the president:

JOHN FOSYTH, *secretary of state.*

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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ATTEMPT TO ASSASSINATE THE KING OF FRANCE. Just as our paper was ready for the press, we received the N. York papers of Thursday last, containing foreign advices to the 28th June. The most interesting news, is an account of an attempt to assassinate the king of France on the 26th June. The king had entered his carriage, to return to Neuilly, and was passing under the gateway leading to the quay, when a young man who had placed himself on the side opposite to that of the post of the national guard, lifted up a cane in which a pistol barrel had been fixed, placed it on the carriage door, and fired it at the king.

Louis Phillipe was at that moment bowing to the national guards through the other window. Whether the assassin felt agitated or, as it is stated, was pushed while engaged in taking aim, the ball did not touch the king, who, immediately after the explosion, made a sign that he was not wounded, and ordered the coach to be driven on to Neuilly. The king was with the queen and his sister madame Adelaide, and a detachment of dragoons escorted the carriage. The young man was instantly seized and conducted to prison, and underwent an examination—but nothing of importance transpired. The attempt is condemned by all parties.

Another interesting piece of intelligence received by this arrival is, that the British house of lords have taken into consideration the amendments of the commons to their amendments in the Irish municipal bill, and the result was that the amendments of the commons were rejected, the numbers being for the amendments 78, against them 142.

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One of the most flagrant outrages which has yet disgraced the courts of this country, is detailed in the account, from the Boston "Courier," of the rescue of two runaway slaves, on Monday last, in that city, in presence of the court to which their case was submitted, and in opposition to the personal efforts of the judges to detain them! This profligate disregard of the sanctuaries of the law, not only indicates a most revolting degree of fanaticism among the perpetrators of the outrage, but will seriously alarm the fears of the south, which will construe it into a settled determination to disregard all constitutional and legal objections, when such cases are brought before the northern tribunals for adjudication. See page 387.

At the last accounts the slaves had not been recovered.

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On Thursday the 28th ult. the stockholders of the Chesapeake and Ohio canal assembled in general meeting at the city of Washington, and formally assented to the improvement bill passed by the legislature of Maryland in June last—ayes 4,101, noes 2,333. The corporations of Georgetown and Alexandria and the state of Maryland voted in the affirmative—the corporation of Washington in the negative. The governor and council had previously decided that a cross cut canal is not practicable. A full report of the proceedings shall have a place in our next sheet.

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We stated in the last "REGISTER" that "all the heads of departments, with the exception of the secretary of the navy, are, or were recently, absent from the seat of government" The Washington, "Globe," with its characteristic *courtesy*, says, that, in publishing that statement, we were so warped by opposition bitterness that we have been guilty of a gross misrepresentation, &c.—and that "neither Mr. Woodbury, the secretary of the treasury, nor Mr. Kendall, the postmaster general, is now absent; nor has Mr. Woodbury been recently: he has not been a day absent the present year; while gov. Dickerson, the secretary of the navy, who alone is excepted, as being here, has been sometime absent, to select a site for a dry dock at Newport."

This explanation is worthy of the "Globe." Instead of honestly admitting the fact that all of the heads of departments, with one exception, were recently absent, it has sought to conceal it by ambiguous phrases. We will, however, frankly confess our error, and say that we should have written "secretary of the treasury" instead of "secretary of the navy." We do not make this confession in the hope of profitting the "Globe"—but it may satisfy others, that, if "warped by opposition bitterness," we are not, like that venal print, chained to falsehood.

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New light is thrown upon the recall of gen. Scott by the letter of gen. Jesup to the editor of the "Globe" inserted among the Creek news. The letter of general Jesup is defended on the ground, that he was an old friend and neighbor of the editor of the "Globe," who, as such, it was fair to suppose, would be willing to do him justice. But it is the first time we have seen a private letter invested with an official character, and made the basis of such an important procedure as that contained in the endorsement upon it by the president.

The United States Telegraph says that the order for gen. Scott's recall was issued two days before general Jesup's letter was received, and that it was made upon a private communication from capt. Page of the army.

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We insert a number of official papers in relation to the invasion of Mexico by the United States, from which it will be seen that gen. Gaines was authorised to take this step, and, if the extracts below can be relied on, has actually carried it into execution. The responsibility of this movement must, of course, rest upon the parties to it; but its consequences will be felt in a lessened respect for treaty obligations, so clearly violated by the American commander—and will be the source of much regret and humiliation, if not pregnant with practical evils, to the people of this country.

From the New Orleans Bee, July 15.

New movement. By a gentleman who came passenger in the steamboat Choctaw, which arrived from Natchitotches yesterday afternoon, we learn that gen. Gaines, with the United States troops, has crossed the river Sabine and marched into Texas as far as Nacogdoches, at which place he had, for the present, fixed his head quarters. The intention of this move had not transpired.

From the same, July 16.

The statement that we published yesterday of general Gaines having crossed the Sabine, is confirmed by the arrival of the Caspian last night, from Natchitoches. It is further stated that six companies of infantry and three companies of dragoons were daily expected to join him from Fort Towson.

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REWARD OF MERIT. On the 26th the governor of New York, in the capitol of that state, presented to col. Wm. J. Worth, of the United States army, a splendid sword, which had been voted to him by the legislature of that state, for his gallantry in the late war. Among the distinguished individuals present was the major general in chief of the U. S. army.

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GREECE. A letter published in the New York Commercial Advertiser, dated Athens, April 27, says—

"The country, I am happy to say, is perfectly tranquil, except the usual, and to us quite unimportant and really insignificant, border troubles, which always have existed, and will exist, in a greater or less degree. The really formidable looking insurrection that broke out just before you went away, has been entirely suppressed, and *by the Greek irregular Palikari, without the aid of a single Bavarian.* The best proof I can give you of the state of tranquillity now existing, is, that the king him-

self is going to pay a visit to his mother. Yesterday he gave a farewell dinner to the diplomatic corps. It is supposed he will be absent four months, during which time count Armansperg will have extraordinary powers entrusted to him. Antonio Miaulis and Catsakos Mauromichalis, two of the king's aids, accompany him. Gen. Church has established his head quarters at Thebes, having been appointed commander-in-chief of the army. His *phalanx* is a beautiful corps, and is very popular."

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Carthagena. The brig Marcellino, at New York, from Carthagena, whence she sailed on the 6th ult. reports to the editor of the Courier that nothing of interest had occurred in New Grenada. The country continued tranquil, and every thing indicated its permanence. Congress was to adjourn on the last of June, but the greater part of the legislative proceedings were unknown in Carthagena.

The object which had occupied the public mind was the choice of electors for the coming presidential election, to take place in April of the ensuing year. Greater interest had been manifested on this occasion, than was ever known before, and in the provinces of Carthagena and Mompoz, where the parties are nearly divided, the excitement was very great, but had happily, peaceably subsided. There are a great number of candidates for the presidency, but the most popular are Marques, the present vice president, and general Obando, the administration candidate, one of which will certainly be elected.

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Colombia. This republic, now divided into three, viz: Venezuela, New Grenada and Equador, has been, i. e. its several parts have been, endeavoring for some years past, to arrange the matter of the old national debt, most of which is due to citizens of Great Britain and the U. States. The efforts at an adjustment have however failed, thus far, and a correspondent of the Washington Globe, who writes from Bogota, expresses his opinion that the matter will not soon be arranged, (and of course all unsettled claims will remain in *statu quo*), unless some friendly nation interferes as mediator between the parties. He adds—"I do not know any government that would be more likely to succeed or more acceptable than that of the United States; and I hope that its mediation may be tendered.

[*N. Y. Jour. of Com.*

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Trade of New Orleans. The exports from New Orleans during the three months ending the 30th June last were as follows:

To coast wise ports,	$5,544,379
To foreign ports in American vessels,	7,597,543
To do. in foreign vessels	3,561,511
Total amount of dollars	16,703,433
The exports of foreign manufactures not yet made up supposed to be	2,296,567
Total amount of exports for the second quarter of 1836	19,000,000

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Lumber trade of Bangor, Maine. A correspondent of the Springfield Journal, at Bangor, says, that the town of Orono, 12 miles from Bangor up the Penobscot, is one of the most thriving places in the eastern country. It contained in 1830 but 1,072 inhabitants. By a census just completed, it now numbers 5,634. It derives its importance from the lumber manufacture, which is perhaps not equalled in extent in an equal space in the world. There are now in operation night and day, within a few miles of Bangor, principally within the limits of Orono, more than 200 mill saws for boards, and a proportionate number for laths, shingles and clapboards, manufacturing considerably more than 1,500,000 feet of lumber daily. This is cutting up lumber on a scale, which no one, who has never been "down east," can have an adequate conception of.

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Manufactories at the south. We find this paragraph in the Fayetteville (N. C.) Observer of the 4th ultimo:

A new cotton factory. We have the pleasure of stating that a cotton factory, with 500 spindles, has been erected in this town, by Charles P. Mallett, esq. and is *now in full operation.* The first work upon this establishment was commenced about eight months ago, and the rapidity with which it has been completed, not less than the practical character of the owner, leaves no doubt of its complete success. The machinery is all new, of the latest improvement, and highest finish. The building is calculated for 1,000 spindles, and it is the intention of the proprietor to procure the additional 500 as soon as possible.

We hope that this is only the first of many such establishments here; and when we take into consideration the immense water power in this neighborhood, the cheapness of labor and of living, the convenience of a market both for the raw material and for the yarn; and, not least, the fact that all such establishments are in a highly flourishing state throughout the country, we cannot but hope that our citizens will not much longer remain indifferent to this important subject.

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Discovery of North America. It is announced abroad that the Royal society of Northern Antiquaries, at Copenhagen, are about publishing by subscription a work which is to throw new light upon the discovery of America; it will be entitled "Antiquitates Americanæ," or a collection of the accounts extant in Icelandic and other Scandinavian manuscripts relative to voyages of discovery to North America, made by the Scandinavians in the 10th and following centuries. It is declared that it will comprise testimony, the most authentic and irrefragable, that North America was actually discovered by the northmen towards the close of the 10th century, visited by them repeatedly during the 11th and 12th, (some of them even making settlements as colonists), re-discovered towards the close of the 13th, and again repeatedly resorted to in the course of the 14th. It is said, moreover, that what serves in no small degree to enhance the value of these documents is the great apparent probability, amounting, indeed, almost to certainty, that it was a knowledge of these facts that prompted the ever-memorable expedition of Columbus himself! We give this report as it reaches us in a Paris paper, and look eagerly for further information. [*National Gazette.*

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Battle of Bunker Hill. The following anecdote of general Pomeroy, of Northampton, Massachusetts, is from the address delivered at Charlestown, on the 17th of June, by Alexander H. Everett:

"The veteran Pomeroy, to whom I have already particularly adverted, and who at this time held no commission in the line, when he heard the pealing artillery, felt it as a summons to action, and could not resist the inclination to repair to the field. He accordingly requested general Ward to lend him a horse, and taking his musket, set off at full speed for Charlestown. On reaching the neck and finding it enfiladed by a hot and heavy fire of round, bar and chain shot from the British batteries, he began to be alarmed, not fellow citizens! as you might well suppose, for his own safety, but for that of general Ward's horse! Horses, fellow citizens! as I have already remarked, were at this time almost as rare and precious as the noble animals that rode them. Too honest to expose his borrowed horse to the 'pelting of this pitiless storm,' and to dream for a moment of shrinking from it himself, the conquerer of baron Dieskau dismounted, and delivering gen. Ward's horse to a sentry, shouldered his musket and marched very coolly on foot across the neck. On reaching the hill he took his place at the rail fence. His person was known to the soldiers, and the name of Pomeroy rang with enthusiastic shouts along the line."

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Death of an old interpreter. We notice with regret, in the Canandaigua Repository, the death at that place of Jasper Parish, esq. 69. His life is full of romantic incidents. An emigrant with his parents from Connecticut to Luzerne county, Pennsylvania, he was captured in 1778, at the age of 11, by a party of Delawares, a few days after the massacre at Wyoming, and remained a prisoner among the Six Tribes for seven years, acquiring their language perfectly, and also their manner

and gestures, impressed upon his mind at that early period, easily recognizable to those who knew him in after life, and were familiar with the peculiarities of the Indian character. He was released at Fort Stanwix (now Rome) in 1784. Speaking five different Indian languages he was appointed interpreter and sub-agent under Washington, and so continued for 30 years. He thus turned his former misfortune to a profitable account, and has left behind him not only a fortune, but an unblemished reputation, to be cherished by a numerous family who deplore his loss.

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"The green corn dance." *From the St. Augustine Herald of the 25th ult.* This is now about the season when the Seminoles celebrate their annual festival of the "green corn dance" in honor of gathering the first fruits of the harvest. This festival is the commencement of their new year and its celebration is entirely adhered to. Every individual in the nation is obliged to undergo the ceremony of purification and must be present. As soon as the corn is sufficiently ripe, the ceremony commences: The "medicine man," or priest of the town or tribe, administers to all a decoction, which they term a "black drink," for three days successively, and all their fires are extinguished. The ceremony of purification being ended, new fire is produced by the medicine man, by rubbing two sticks together, from which every one procures fire for the ensuing year. A season of feasting and dancing follows: which is kept up for several days and nights without intermission. An interesting description of the dance is given by the younger Bartram, in his travels in Florida in 1775.

The ensuing corn dance will doubtless be one of the greatest festivity and rejoicing—they will have a great quantity of corn and beef, and flushed by their recent success, will take occasion to make one of peculiar interest to themselves.

We believe that there cannot be a better time to prosecute a campaign, and terminate the war, than the present. They soon will concentrate themselves in the neighborhood of their crops, and they may be found now better than at any other time; probably as soon as this dance is over they will scatter forth in small bands to commit new excesses, and extend their ravages still further within the remaining settlements of our unfortunate territory.

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Singular case. The Paris correspondent of the Albany Advertiser writes—"In July next, a curious case will be brought before the tribunal of first instance of Paris. M. Naundorff, who has resided a long time in Prussia, where he worked as a clock maker, has undertaken to invalidate the *obituary act* of Louis XVII, dated 8th June, 1795, and to prove himself to be Charles Louis, the dauphin of France and son of Louis XVI and Marie Antoinette. Inquiries have been making by order of the French government to discover the family and birth place of this supposed imposter in Prussia, but until now they have led to no satisfactory result. It has been ascertained that M. Naundorff had arrived in Prussia in 1810; that he enjoyed, during two years, the rights of citizenship in Spandau, and that he married in Berlin in 1818, without being able to produce a certificate of his birth. The demise of the real dauphin, in the prison of the Temple, is any thing but well established, and the uncertainty prevailing with regard to M. Naundorff's origin, promises at any rate some very interesting disclosures."

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First inventor of steam boats in America. A writer in the United States Gazette claims for *Rumsey*, of Virginia, the honor of first propelling boats by steam in this country. It was many years before Fulton, and Rumsey was considered a wild enthusiast. With the assistance, however, of a drunken blacksmith at Shepherdstown, he constructed a boat which went up the Potomac against the current at the rate of half a mile the hour. The legislature of Virginia granted him some privileges, it is said, which his poverty prevented him from embracing. He afterwards went to England, where he was patronized, but died suddenly, leaving his family in indigence, the usual melancholy fate of those who have enriched the world with their genius. But as to the matter of priority in the great invention alluded to, we believe it is pretty well ascertained that the first experiment in this country which had any thing like the merit of success, was by Fitch, on the Delaware river. The periodicals of the time contain a sketch of the boat, and an account of the experiment. Lieut. Slidell, however, in his excellent work on Spain, found, in the archives of Barcelona, authentic evidence that experiments in steam navigation were successfully attempted in that harbor *several centuries* since. To the indolent and voluptuous Spaniard, therefore, and neither to learned and enlightened England or France, are we indebted for the first conceptions of this immortal invention. [*N. Y. Star.*

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Narrow escape. On Friday morning, at 2 o'clock, a stage left Troy for Boston. When about a mile and a half east of the former city, one of the passengers sitting upon the box with the driver, discovered that the stage was out of the road and on the top of an embankment, several feet in height and of considerable width, designed as a protection from an abyss of over one hundred feet which yawned below. After the passengers had left the stage, and the driver had backed it a little farther, the hind wheels ran off the bank, the king-bolt came out, and the body of the coach was precipitated down the bank and rocks about 120 or 130 feet, and literally dashed to pieces on the dry rock by the side of the water. The baggage was mostly lost, and the proprietors, Messrs. Baker & Walker, have paid five hundred dollars to the passengers as a remuneration. [*N. Y. Com.*

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Statement of the deposites and coinage of gold at the mint of the United States, in the month June, 1836.

Balance remaining uncoined, May 31, 1836,	$749,935
Deposites for coinage.	
Bullion of the United States,.....	49,570
Do. foreign,.....	513,240
United States coins for former standard, none,	
Foreign coins, (sovereigns),.....	9,990
	$1,322,735
Amount of gold coinage within the month of June, (in half eagles),.....	1,090,495
Balance remaining uncoined, June 30, 1836,	$323,240

The coinage of silver for the quarter ending the 30th of June, amounted to $1,235,000, of which $77 was in small coins.

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Honors to Mr. Madison. On Monday the 25th ultimo, the citizens of Richmond, Va. paid the most marked honor to the memory of the illustrious Madison. The capitol bell was tolled every minute in the morning; and a little after 10 o'clock, the procession of the volunteers, officers of the government, and citizens, was formed in the Main street, opposite to the Union hotel, and marched to the Capitol square, where a platform and seats had been arranged in the eastern ravine, and the numerous company of ladies and gentlemen sat enbosomed in the shade of the trees.

The ceremony commenced with a very appropriate prayer from bishop Moore—then followed Mr. Macfarland, the orator of the day—and the proceedings were closed by a brief but impressive prayer from the rev. Mr. Taylor, of the Second Baptist church.

The "Richmond Enquirer" in speaking of the oration, says, it was "a beautiful picture of *a great and good man*; presenting the character of Mr. Madison in new lights and beauties."

The hon. John Quincy Adams has been appointed by the city authorities of Boston to deliver an eulogy on the deceased.

The following anecdote is related of Mr. Madison in the Washington Telegraph:

When the debates upon the adoption of the federal constitution were occupying the attention of our patriot fathers, and when wisdom, like a daily visitant, hovered over the hall where genius and virtue breathed fire into the hearts of the sages who were there assembled, Mr. Madison wished to speak, but was almost afraid from his great physical debility to make the attempt. However, he begged a gentleman who was sitting near him to pull

him by the coat when he perceived that he was becoming exhausted.

Mr. Madison rose and opened his speech—his voice was feeble at first, it became stronger as he progressed—passage after passage of brilliant and illuminating thought came from his almost inspired lips; every point of the great subject he touched upon, he left for men of all future times to look upon as if he had blown the clouds from the summit of the hills—he went on and concluded. "Why," as he sunk back exhausted in his chair: "why did you not pull me when you saw me go on as I did." "I would rather have laid my finger upon the lightning," was the reply. This anecdote we have obtained from a gentleman who was present.

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The public money. In pursuance of a salutary provision in one of the acts passed at the late session of congress, the amount of public money subject to draft, on the 1st instant, in the several deposite banks, is shown by the subjoined notice. It will be seen that it yet exceeds forty millions of dollars! [*Nat. Intelligencer.*

Treasury department, August 2, 1836.

In conformity with the resolution of the senate, passed July 1st, 1836, directing that "during the ensuing recess of congress, the secretary of the treasury cause to be published, at the commencement of each month, a statement of the amount of money in the treasury subject to draft, and also the amount standing to the credit of disbursing officers," the undersigned hereby gives public notice that "the amount of money in the treasury subject to draft," as shown by the running account of the treasurer, was, on the 1st instant $36,554,845 95, and "the amount standing to the credit of disbursing officers," as shown by the latest returns received, was $3,675,730 23.

Levi Woodbury, *secretary of the treasury.*

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Hydrophobia. A work has appeared in Italian recently, entitled "Reflections on the bite of vipers as a remedy for hydrophobia, by Dr. Palazzini." One of our late foreign journals says:

"The proposition of suspending the hydrophobia action, by the intervention of a poison not absolutely incurable, was a suggestion of despair. A favorable result was not impossible; and on this possibility, led by certain hasty inferences, Dr. Palazzini, so long ago as the year 1819, proposed the attempt: 'Seeing (he says) the extreme failure of all efforts at cure, the little industry and judgment brought to the trial of an infinity of different remedies, and moved by compassion and fright at the death of two females, bitten, the one by a cat, and the other by a dog, who became hydrophobic, notwithstanding a long treatment by hot and cold baths, aconite, belladonna, mercury, and other similar drugs, it came into my mind to try, in any case of declared hydrophobia, the bite of the viper, and I communicated the thought in writing to the sanitary commission of the province of Mantua.'

"In this idea, Dr. Palazzini had, without his knowledge, been anticipated. So long since as 1782, D. De Mathias, a Sicilian army surgeon, was induced by accident to try the remedy on a dog, which he was told had been attacked by the disease, and he succeeded; but the subject was not pursued farther. In 1791, Dr. Gilibert published the cases of two hydrophobiacs so treated, in whom the disease was suspended for a few hours, but who eventually died in convulsions. Dr. Viricel also caused a boy to be bitten by a viper, for hydrophobia, who nevertheless died. Dr. Des Granges tried the same experiment on a dog, which met with the same fate. Dr. Valentine relates, that signor Gauche, *maire de la priorite*, had proposed the viperising animals, as a sort of protection against hydrophobia; 'his experience having taught him that dogs who have been bitten by vipers, never afterwards became hydrophobiac.' To our notion, the weight of evidence, such as it is set forth by Dr. P. is altogether against the attempt; and were we reduced to the dreadful necessity of judging for ourselves in this case, we should prefer looking to some remedy, less *carbone notatus*, and less repulsive than that which he thus recommends."

Lynching among the Indians. Extract of a letter to the editor of the St. Louis Bulletin, dated Fort Union, mouth of Yellow Stone river, June 26, 1836.

"I have only time to add a brief account of one of the most tragic scenes that this land of lawless violence ever produced.

"We were startled about 2 o'clock in the morning by a report of guns in a small fort occupied by half-breeds from Selkirk's colony. On inquiring the cause, we were told that a half-breed family by the name of Duchamp, had murdered another half-breed, (Jack Ram), and that the French voyaguers, headed by the half-breeds, were determined to exterminate the whole of the Duchamp family. Daylight soon after dawned, and we beheld the little fort surrounded by the French and half-breeds, who kept up a continual fire on the Duchamps, who had taken refuge in one of the block houses after vainly imploring that their lives might be spared—and, finding that there was no mercy for them, they seemed to become desperate and reckless of consequences, and resolved to sell their lives as dear as possible. The conflict was long and desperate—both parties seemed to thirst for revenge. A Frenchman soon succeeded in setting fire to the fort, and the wind being high, the flames spread with fearful rapidity. The Duchamps defended themselves with a gallantry worthy of a better fate; their yells of defiance might be heard rising high above the fierce roaring of the flames; and even whilst surrounded by such appalling horrors, they possessed a calmness and deliberation that was but too evident from their deadly aim. The scene was now awful and sublime. The block house was completely enveloped in smoke and flame, and yet the inmates, salamander like, seemed to be in their native element, and to defy the power of their vindictive enemies. The dark form might be seen flitting through the fire; and gazing eagerly around to catch the slightest glimpse of a foe, on whom his gun might be brought to bear. Let the smoke and flames by which they were surrounded serve as a curtain to hide the horrid catastrophe.

"There were eight killed, and several wounded. The Duchamps* were completely exterminated, with the exception of a few small children."

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Culture of cotton in India. We have received a file of Calcutta papers to the beginning of March. An extract from the Bombay Courier of Feb. 15th, states that the quantity of cotton land under cultivation in Surat district, which was last year 43,912 *begahs*, is this year 53,799; being an increase of about 25 per cent. In Dharwar and Candeish districts the increase is at least 20 per cent. From the other districts the information was such as to justify the belief that throughout the presidency the average increase of cotton land under cultivation this year, is 25 per cent. greater than in 1835.—As regards productiveness, all accounts agree in representing the present crop as greatly above an average one, if not indeed unprecedentedly good. Estimating the improvement, in this respect, at 20 per cent. there will be a general increase of 45 per cent. upon the year. Now the exports of cotton for the last six years from Bombay to Great Britain and China, have been as follows:

	Great Britain.	*China.*	*Total.*
1830 bales	39,113	142,272	181,385
1831	63,576	136,198	199,774
1832	23,978	125,115	219,093
1833	88,155	128,414	214,566
1834	82,079	118,473	200,552
1835	103,598	51,739	155,337

The average yearly export, therefore, including last year, in which the crop totally failed in many districts, is bales, 195,118; 45 per cent. which will make the production of the present year 283,021 bales.

[*Journal of Commerce.*

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Consumption. In an able article on this subject in the last number of the Knickerbocker, by Dr. Brigham, of Connecticut, it is estimated that there are at least *fifty thousand* deaths in this country from *consumption* every year! This is astounding intelligence. If the dis-

*The number of the Duchamp family that were killed is not ascertained.

ease which causes such appalling mortality, were small pox, cholera, or the plague, what consternation would be produced by its effects! From a table furnished by the author, it appears that the proportion of deaths by consumption to the whole number of deaths is, in Portland, one in 3.53; in Portsmouth, one in 7.73; in Boston, one in 5.79; in New York, one in 5.89; in Philadelphia, one 7.17; in Baltimore, one in 6.18; in Washington, one in 8.51; in Charleston, S. C. one in 7.08. It thus appears that the mortality of this disease is greatest the farthest north, and decreases as we advance to the south, or from the seabord, consumption being most prevalent in large maritime towns.

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Post office law. The following section is from the new post office law:

"Section 32. *And be it further enacted*, That if any postmaster shall unlawfully detain in his office any letter, package, pamphlet or newspaper, with intent to prevent the arrival or delivery of the same to the person or persons to whom such letter, package, pamphlet or newspaper may be addressed or directed in the usual course of the transportation of the mail along the route, or if any postmaster shall with intent as aforesaid, give preference to any letter, package, pamphlet or newspaper, over another, which may pass through his office, by forwarding the one and retaining the other, he shall, on conviction thereof, be fined in a sum not to exceed $500, and imprisoned for a term not exceeding six months, and shall, moreover, be forever thereafter, incapable of holding the office of postmaster in the United States"

It is hoped that an example will be made of the first postmaster who violates this law.

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Attempt to rob the U. S. mail. On Tuesday morning about two hours before day light, according to the Newark Daily Advertiser, an attempt was made to stop the U. S. mail on the rail road about 4 miles this side of East Brunswick. Three ruffians suddenly sprung from the woods and demanded the driver (for the mail car in the night is drawn by horses) to "stop the mail." The driver called to the guard in the car and put whip to his horses. The guard promptly fired at the ruffians upon which they disappeared as suddenly as they came, and no trace of them has been discovered since. Several obstructions had been placed on the track in different places. A large stone was swept off by the broom in front of the fore wheels, near where the attack was made. Some distance further on, a plank was seen by the light of the lamps across the whole railway, and at different distances beyond two others, making altogether four obstructions, which might have produced serious and fatal consequences if the train had been under steam power, but for the lamps. The rail road company have offered a reward of $500 for the perpetrators of this shameless and unpardonable offence.

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Cohen's banking house. Among the beautiful buildings recently erected in Baltimore, one of the most worthy of notice is the new marble banking house built by Messrs. J. I. Cohen, jr. & Brothers on the north east corner of Baltimore and Calvert streets. Its architecture is chaste and handsome, and its interior arrangements admirably adapted to the purposes for which it was designed.

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Sheep in Pennsylvania. According to the census of 1810, the whole number of sheep in Pennsylvania amounted to 61,823. Of this number 47,294 belonged to Washington county. At the present time, the stock in Washington county exceeds 700,000, nearly all of the most approved breed, producing on an average 2¾ lbs. wool each, or a total of 1,925,000 lbs.

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Examination of southern harbors. The Army and Navy Chronicle says—"Under a resolution of the senate, passed on the 24th May last, requesting the executive 'to cause to be made the necessary examinations and surveys of the several harbors south of the mouth of Chesapeake bay, and a report of the comparative facilities and advantages of the same for the establishment of a navy yard, to the next session of congress;' commodore M. T. Woolsey, captains A. Claxton and E. R. Shubrick, have been appointed commissioners to make the necessary examinations. They will proceed to Boston, and take passage on board the new brig Porpoise, lieut. com. Ramsay. This vessel will probably sail in the course of next week on this service."

ITEMS.

The French frigate *L'Artemise*, the chevalier *de La Place* commander, sailed from New York for France on the 25th ult. and received a salute from a detachment of volunteer artillery, stationed at the battery.

Lawrence L. Van Kleeck, esq. of New York, has been, by the authority of the president, appointed military storekeeper and paymaster for the ordnance department; to be stationed at the city of New York.

The president has appointed *Robert Mills*, esq. architect of the public buildings.

The New York Commercial advertiser says—"Those who have been weeping over the fate of the two men who were recently seen taking the awful plunge off the Niagara cataract, may dry their tears. The gentlemen who performed the feat were prepared for the occasion—having been made and placed in the boat for that identical purpose, by some ingenious young artists who had nothing better to do. The adventurers were not injured by the fall—although they fell to pieces."

Smoker's strike. The editor of the Kennebec Journal says that his attention was directed, last week to the movements of a number of French Canadians—who it seems, had been employed to work on the dam, and had quit in a body, because they were not permitted to *smoke their pipes when at work.*

At the late celebration of the 4th of July, at Niles, Berrien county, Michigan, the following was drunk as the last of the set toasts:

"13. When Adam left Paradise, he took with him its sweetest flower."

We omitted to state that Samuel L. Governeur was recently removed from the office of postmaster in the city of New York, and that *Jonathan I. Coddington* was appointed in his place. The clerks employed in the office held a meeting, at which they passed resolutions returning thanks to Mr. Governeur for his kindness to them, and expressing their regret at the separation that had taken place between them.

Lieut. Wheelock, who was in the same battle in which col. Heileman distinguished himself, died by his own hand, as we learn from the St. Augustine Herald. His exposure brought on a fever, and in a moment of delerium he shot himself with a pistol.

Major Ransom was found dead in his bed, on the morning of the 3d inst. having been apparently in the enjoyment of excellent health the day previous.

Major Gates, lately stricken from the roll of the army, who arrived in Washington a few days since, has proceeded on to obtain an interview with the president at the Hermitage. His object is, we understand, to solicit his restoration to his rank, for the purpose of standing a trial, for his alleged misconduct, by a court martial. [*Metropolitan.*

Giovanni Russo, ex-colonel in the Neapolitan army, who is supposed to have emigrated to the U. States, after the revolution of 1832 is informed that he has been pardoned by the king, and is permitted to return to his native country. This notice is given agreeably to the desire of his friends, by Giuseppe Reggio, officer of the Sicilian brig Attivo, now in Boston.

The New York Gazette of Thursday the 21st ult. says—"In the ship Francis Depau, arrived last evening, came passengers, bishop *Brute*, of Indiana, and nineteen Catholic ecclesiastics, all for the western country."

The New Orleans American states that Mr. Caldwell has authorised his agent in Europe to offer madame Malibran, the distinguished vocalist, ten thousand pounds sterling for one year, to play in the Italian and English opera in the United States.

Gen. Rusk, the late commander of the Texian army, is a native of Habersham county, Georgia. The present commander is also a native of the United States, and was formerly the editor of one of our political journals.

The Texian navy is composed of six schooners, two armed steamers and a guard brig.

Battle of Bloody Brook. An effort is to be made to erect a monument at Deerfield, Mass. to commemorate the bloody battle fought there in the time of the Indian war.

Five thousand cases of shoes were shipped from Boston, to our southern cities between the 1st and 20th of July.

Col. *Wm. P. Duvall*, formerly governor of Florida, whose son, capt. *Duvall*, was murdered at Goliad, by order of general Santa Anna, has published a letter in the Louisville Journal, in which he announces his determination to devote his life to the task of avenging the blood of his son. He declares that he is making more than ten thousand dollars by his profession, in Florida, but that he will give up every thing for the command of 1,200 or 1,600 mounted men from Kentucky.

THE CREEK WAR.

From the Globe.

Fort Mitchell, Alabama, June 20, 1836.

DEAR SIR: We have the Florida scenes enacted over again. This war ought to have been ended a week ago. I commenced operations on the Alabama side, and have succeeded in tranquilizing the whole frontier. Our principal hostile chief, Enea Mico, came in with many of his people to a camp which I had formed for the purpose of feeding the starving Indians, preparatory to their removal. Another, Enea Mathla, is a prisoner in my camp, and I was in full march with a force sufficient to have terminated the war in five days, when my progress was arrested by an order from general Scott. He has censured me in the most unmeasured and unwarrantable manner, and I shall be compelled to have the whole subject of this campaign investigated. There was force sufficient at Tuskeegee, Columbus, or this place, one week after our arrival, to have put an end to this war, if it had been properly used; but it was thought necessary to adopt a splendid plan of campaign upon paper, and make every thing bend to it. To have waited the developments of that plan would have left nothing to defend; bloodshed and conflagration would have pervaded entire counties of Alabama. If not arrested by general Scott, I shall apply to be relieved, for I disapprove entirely the course he has thought proper to pursue, and believe that his delay has been destructive of the best interests of the country.

Let the president see this letter; he, I am sure, will approve the promptness with which I have acted, when he shall be sensible that I have, by the movement I have made, tranquilized the whole Alabama frontier.

With my respectful compliments to Mrs. Blair and your family, yours, most truly, THOMAS S. JESUP.

Francis P. Blair, esq. Washington city.

Endorsement on the back of the letter.

Referred to the secretary of war, that he forthwith order general Scott to this place, in order that an inquiry be had into the unaccountable delay in prosecuting the Creek war, and the failure of the campaign in Florida. Let general Jesup assume the command. A. J.

Head quarters, army of the south, Tuskeegee, July 17, 1836.

SIR: I have the honor to report for the information of the secretary of war, and the general in chief, that in pursuance of my orders, major Webb of the Alabama volunteers, commanding a line of post in Chambers county, about thirty miles north of this position, has just sent in one hundred and forty-five prisoners of Neo Mico's party, which he captured in the last few days; this party increases the number of prisoners taken to about two thousand eight hundred.

The war is entirely at an end, and so far as regards Indian hostilities, the inhabitants might return to their farms in perfect security; but their houses have been burnt, their means of subsistence destroyed, and their crops on the ground will yield them nothing. It will probably be many months before the majority of them return; for all necessary supplies must be brought from a distance, and at an expense beyond the means of any but the wealthy.

I shall concentrate the regular troops and marines in the vicinity of the principal Indian force, for the purpose of preventing any danger from them, when the militia and volunteers shall be withdrawn; and without orders from Washington, shall continue them there until the Indians emigrate. A part of that force is now stationed on the mail road between this place and Columbus, for the protection of the mail; but the contractors have not yet placed stages on that route.

The discharge of the greater sart of the Georgia force has been ordered, and I have directed the discharge of fourteen companies of infantry, and eight mounted companies of the Alabama volunteers and militia. The greater part of the mounted force now under general Patterson was raised in the northern counties of Alabama, and I propose to order them to move through the Creek and Cherokee country to their homes, and should gen. Wool require their service they will be in a situation to co-operate with him before their discharge.

The Tennessee brigade has reported, and I have directed general Armstrong to take a position near Montgomery, with that part of it not ordered by gen. Scott to Florida, where subsistence and forage be may readily obtained, and whence he can join me in a single march, should the Indians manifest a hostile disposition. I have the honor to be, sir, your obedient servant, TH. S. JESUP.

Brig. gen. R. Jones adjt. gen. Washington city.

Notwithstanding the annunciation of general Jesup that "the war is entirely at an end," the Creeks and their allies do not let an opportunity pass of encountering the whites, if they can do so with a hope of success. The Charleston papers of the 30th ult. state that a battle was fought in Stewart county, near Fort McCreary, on the preceding Sunday, between a party of hostile Creeks, amounting to 250, and two companies of Georgia troops, in all about 90 men, which resulted in the defeat of the latter with the loss of five killed and several wounded. The loss of the Indians is said to be thirty killed. As soon as the news reached gen. Sanford, he issued the following order:

ORDER—NO. 130.

Head quarters 1st army corps, army of the south, Columbus, July 25th, 1836.

The apprehensions of the major general that the enemy would reassemble in force on the disbandment of the troops, has been too sadly verified; a party of Indians amounting probably to 200, have invaded our soil: they are doubtless seeking a covert in the Chickasahatchee swamp.

An energetic pursuit must be immediately adopted and the enemy must be overtaken and overcome; captains Delapaner, Sledge and Bostick, with their companies, will immediately proceed to the reinforcement of the detachment now at Fort McCreary; the instructions contained in order No. 129 will be rigidly pursued by the senior officer of the whole force, who will take command of the detachment. In addition to the instructions, he will consider himself as not being confined to the limits of one county, but if necessary pursue them to the Florida line—he will remember the Indians must not escape. Supplies of arms, ammunitions and subsistence, will be immediately forwarded to Fort McCreary, and every disposition made to check the escape of the enemy.

By order of major general Sanford.

W. S. ROCKWELL, *aid-de-camp.*

The troops had marched for Fort McCreary at the last advices.

The stages have resumed their regular trips, the road being well guarded by U. States' troops. The mail leaves Columbus every morning at 4 o'clock, and arrives at Montgomery next morning at nine o'clock, thus connecting with the mail for Mobile. Returning will leave Montgomery at six o'clock, P. M. so as to connect with the mail going east.

Montgomery, (Ala.) July 20. Fifteen hundred Tennessee mounted men arrived here on Saturday last, and are now encamped upon the borders of our town. We understand that Yoholo and Jim Boy, the two friendly chiefs who rendered such important service in the Creek war, are becoming dissatisfied with the whites and with general Jesup particularly. It is said they petitioned Jesup for leave to keep their relatives, who were hostile prisoners, with them, and that they might not be carried westward with the other hostiles, nor sent to Georgia for trial. This request Jesup refused, which is said to have rendered Yoholo and Jim Boy very much dissatisfied. In consequence of it, general Jesup intends keeping a large force in the nation until the result of the chiefs' resentment is more fully ascertained. Some danger is apprehended also from the deportment of the friendly Indians upon their being informed that they were to be sent off to the west immediately with the hostiles. They can raise 3,000 fighting men at least, and some say more. They had lately 1,100 under arms who are all still in the nation; and there are a large number besides residing in Taledega, Chambers and other upper counties who took no part in the campaign.

Since our last, another (a third) party of Creeks were brought to our town on their march to the west They consist of about 500 men, women and children.

Governor Schley has demanded Jim Henry of general Jesup, to be shot in Georgia, for his numerous offences there; and Jesup has answered the governor by informing him that Jim has been demanded first by governor Clay, and is therefore handed over to the sheriff of Russel county.

From the New Orleans Bulletin, July 20.

The Creeks amounting to some 12 or 1,500, including men, women and children, reached our city by the way of the lake Monday last. Until the departure of the boats, which are to convey them to their place of destination, west of the Mississippi, they have made a temporary lodgment along the bank of the new canal, below the basin at the foot of Julia street. The excessive rains of Monday night, and which continued nearly without intermission all of yesterday, have proved peculiarly unfortunate to these poor savages in their marshy situation, some 30 or 40 having died, as we are informed, since their arrival.

With the aid of a few staves and boards, some tattered canvass and soiled blankets, they have put up a few rude tents, which afford them however but feeble protection against the driving rain. Should the present wet weather continue, and farther delay be occasioned prior to their departure, it certainly would be an act of humanity on the part of the city authorities to appropriate to their use some more comfortable habitations than those which they now have. The barracks, or new city prison, might be used for such a purpose.

These Indians are not chained, as was reported, but are quite at large. They do not appear to be destitute of the proper clothing, and are without arms. We noticed among the group some fine looking warriors, who with their well chiselled frames, strongly developed muscles, dark hair, hazel eyes, high cheek bones, and noses that would rival the Greek, in precision of outline, showed a combination of manly beauty and strength, that we have rarely seen surpassed by the pale faces. There are Indian damsels too, who need only the habiliments and decorations of a more refined state of society, to create no little envy among even more polished dames, the observed of all observers.

THE CHEROKEES.

From the Miners Recorder.

DECLARATION OF PEACE, BY THE CHEROKEES OF VALLEY TOWN.

On Friday July 1st 1836, at Highwassee town house, delegates assembled from the principal towns of Aquohee and Jaquohee districts, in the Cherokee nation; comprising that part of the nation lying within the chartered limits of North Carolina, and in Union county, Georgia.

The meeting was called for the purpose of taking into consideration the propriety of making a public declaration of the views and sentiments of the people, of their several vicinities on the subject of *Indian hostilities* which has recently excited so much alarm. The following was unanimously adopted.

Whereas, We have learned with regret that rumors of Indian hostilities are producing much excitement among the citizens of the United States, and many persons unacquainted with the dissimilarity of the condition and character of the several nations of Indians are apt to confound the Cherokees with other tribes, less advanced in civilization, and less pacific in their habits; by which an influence is exerted injurious to our people, and calculated to excite unfriendly feelings in the breasts of our white brethren. With an earnest desire, therefore, to allay excitement, and to cultivate those friendly relations, which have long subsisted between us and the citizens of the United States, we make the following representation.

Our people have, by the favorable guidance of a kind Providence, made considerable advancement in the arts of civilized life. They have began to taste the sweets of home and to cherish the charities of domestic and social intercourse. Dependance on the chase for a precarious subsistance is no more known among them, their dwellings and their cultivated fields, every where, bear marks of industry. Their interests and predelictions and institutions are all on the side of peace. They have no military system nor military supplies of any description. Their reliance is not on the sword. They have no connexion whatever with the belligerent tribes, and to confound the Cherokees with them, is altogether unjust; and we hope the editors of papers will forbear to publish pieces written by misinformed or thoughtless men, tending to excite unnecessary alarm.

With us the tomakawk and the scalping knife have been buried for nearly half a century, and the love of war and the practice of it have become obsolete. A number of old men, indeed, still live, who spilled their blood and saw their brothers fall in defence of their white brethren, beside the present chief magistrate of the United States; but their young men, their youth, have never known war; they have never uttered the war-whoop of the savage, nor heard the furious yell of the battle field, nor viewed the pitiless carnage that daughters, husbands, fathers and brothers; makes widows and orphans, and wrings with hopeless agony, the hearts of mothers, sisters and friends.

By war, we have nothing to gain, but every thing to lose. Our whole population would regard indications of hostilities, with as much alarm and as deep regret, as our white neighbors would.

We conclude by assuring our friends that whatever grievances we may be destined to suffer, we shall never think of resorting to any other than pacific measures, to obtain redress.

Signed on behalf of the meeting,

SITUAGI,
GALSATTEHEE,
ROMAN NOSE,
OGANAYA alias PETER.

FROM FLORIDA.

In consequence of the extreme unhealthiness of Fort Drane, the commander-in-chief directed the abandonment of that station. A removal of the sick and stores to Micanopy was accordingly commenced on the 19th ult. and when the first train, composed of about 80 men, arrived within less than a mile of that station, it was attacked by a body of Indians estimated at 200 strong. A battle ensued, which lasted nearly an hour, at the end of which time our troops were reinforced by a detachment of forty men from Micanopy, the officer in command having heard the firing, when the Indians retreated. During the engagement captain Ashby of the 2d dragoons, the commander of the troops from Fort Drane, and Dr. Richard Weightman, army surgeon, were severely wounded, and twelve privates killed and wounded. The loss of the enemy is not stated.

There were 150 men sick at Fort Drane and Micanopy, and many of those reported for duty were in a feeble and debilitated state.

It was reported that the Indians were in force at Cape Florida. The revenue cutter Dexter had gone to Indian Key for the protection of the inhabitants. The schooner Motto, with a detachment of marines and sailors from the sloop of war Concord, had gone to Cape Florida. Occola is alive and unwounded. A negro who had been taken by the party of Indians which destroyed col. Hallow's plantation, and escaped from them, says they told him that the Indians were 7,000 strong. Some alarm existed at St. Augustine, on account of a supposed plot among the negroes to run off and join the Indians.

WESTERN INDIANS.

From the St. Louis Commercial Bulletin, July 18.

A gentleman from Lafayette county informs us that, in the neighborhood of Grand river, the Indians have taken the lives of several persons. Two men were found dead in a harvest field, and, at a short distance off the bodies of three women were found; and several children have been carried off.

In view of the anticipated Indian disturbances on our western borders, orders have been issued to the several volunteer companies in the state to hold themselves in readiness to march whenever called for.

The following is a copy of the order received by capt. Easton, of the "St. Louis Grays."

Adjutant general's office, city of Jefferson, June 28, 1836.

To the commandant of "St. Louis Grays," in 1st reg. 4th brigade 2d division:

From information of an outrage committed by Indians within the limits of the state, the commander-in-chief considers it necessary that the volunteer companies should hold themselves in readiness for the protection of our frontier.

He therefore orders that you will report to the adjutant general, without delay, the strength of your company, rank and file, together with the number and description of arms, accoutrements, &c. You will also keep your command prepared to march whenever called for.

By order of the commander-in-chief:

HENRY SHURLDS, *adjt. gen. Missouri militia.*

Extract of an official letter from major J. Green, dated *Head quarters, Fort Winnebago, 30th June*, 1836.

"SIR: I have the honor to inform you that nothing new in this neighborhood has occurred to cause any alarm or apprehension to the whites on the part of the Indians, nor indeed have the Indians given the least cause of alarm that I have been able to discover since I have been in command of this post. Colonel Taylor has visited this post from Prairie du Chien, with a detachment of three companies, in consequence of the alarm that was given from some quarter or other. For this alarm, I am in no way accountable. Of this, I hope I have given you assurance in all my correspondence. Allow me again to apprise you, that the Indians are much distressed for the want of provisions. They have all crossed the Ouisconsin, with the exception of a small number that intend going among their friends over the Mississippi."

Extract of a letter from a gentleman at Richmond (Missouri), to his friend in Philadelphia, dated July 8, 1836:

"Our town is all commotion to-day. Indian hostilities have commenced on the frontier of our state, about sixty miles from this place. The Indians have killed two men, one of whom they literally cut to pieces. The Iowa is the only tribe that is yet known to be hostile, but there is no doubt in the minds of the people of this country but there will be a general rise among the Pottawattomies, Shawnees, and many other tribes. Our governor has ordered out one thousand horsemen from the counties of Ray, Clay, Jackson, Fayette and Carroll. The two hundred of our county are ready, and will take up the line of march in about two hours; they are all volunteers, and well understand the use of the deadly rifle. The citizens of this town are now giving them a public dinner, and as soon as that is over they take up the line. They will march directly to the Iowa towns.

Extract of a letter from lieutenant B. S. ROBERTS, 1st regiment of dragoons, commanding at Fort Des Moines, to the secretary of war, dated 14th July, 1836.

"I see by reports in the eastern papers that a 'letter has been received at the war department stating that Black Hawk has again become hostile, and has circulated the wampum belt amongst the western Indians,' and consider it my duty to inform the department that the report is without the slightest foundation. Black Hawk and his family are at this time in their lodge within two hundred yards of my quarters, and have been, for the last year, encamped within five miles of this post. He has only been absent, during this time, five or six weeks, on the Des Moines river, near Keokucks town, raising corn. The old man is becoming very infirm, and should he be disposed, would not be able to carry on another war against the whites. He, however, is perfectly conquered and knows too well the force of the whites, to involve his own or any other nation in war with them."

TEXAS.

By accounts received at New Orleans from Texas, we learn that it had been ascertained that the Mexicans had not advanced—and an opinion is expressed that the army will not prosecute further operations against Texas, for the present at least. It is also said, that the Mexican army is diminishing by desertion, and that the Texians are in fine spirits and daily receiving volunteers. By the latest accounts it is stated that Santa Ana has been, for greater security, carried under a strong guard to Nocogdoches. It is added, that he was to be tried there by a military commission and shot. Another account says, that he has written to the Mexican government, *ad interim*, giving his opinion that success against the Texians is not to be hoped for: and that the best thing the Mexicans can do, will be to recognize the independance of Texas.

The bark *Charles P. Williams* recently arrived at New Orleans from Texas having on board ninety passengers, chiefly women and children; the major part Mexican families, from the country adjacent to Texas. The removal is said to be in conformity with an order from gen. Rusk, who is going to lay waste that part of the country, in order to harrass the Mexican army on their march, as by this means they would be left without food for themselves or forage for their horses.

Head quarters, Victoria, 17th June.

To general Thomas J. Green—

SIR: My spies have just brought information from Matamoras, to the date of the 9th and 10th inst.

It consists of letters from captains Carnes and Tra, and maj. Miller, who were arrested after having received passports from gen. Filasola. The information is of the most important character, it details the fact that Filasola was ordered to turn back with his troops, about half way between Matamoras and San Patrico. Urrea had been appointed commander-in-chief, and had arrived in Matamoras, on his march to Texas, with 4,000 new troops. Four thousand more were to embark at Vera Cruz in a few days.

Urrea took up the line of march from Matamoras for La Bahia, about 4 days ago. They have all sworn to exterminate the Texians, or never to return to Mexico. My force does not exceed three hundred and fifty men. I have ordered in the cavalry that were directed to join you, and have also ordered major Ward with his command, to join me immediately.

You will immediately see the necessity of joining me with all the force you can raise; you had best march by way of Casey's, on the Colorado, it would be well to detail all the cavalry you can in advance, as they are the most important troops for immediate service.

I have directed all supplies, &c. to Cox's Point, on the opposite side of the La Bacca.

I have the honor to be, with greatest respect, your obedient servant, (Signed) THOMAS J. RUSK.

Brigadier general commanding.

Issue proclamations and bring on all the volunteers you can raise on the march, as there is not one moment to lose.

(Signed) T. J. RUSK.

MEXICO AND THE UNITED STATES.

Extract of a letter from gen. Gaines to gen. Bradford, of the Tennessee volunteers.

Head quarters, western department, Camp Sabine, June 28, 1836.

MY DEAR GENERAL: The chivalry of Mexico are flying to the rescue of their president. A letter received by express from gen. T. J. Rusk, dated "Head quarters, army of Texas, Guadaloupe Victoria, 18th June, 1836," informs me that the enemy were then rapidly advancing towards his position from Matamoras—that their motto was, "extermination to the Sabine, or death," and that the motto of the Texas army was, "liberty or death." These mottos taken in connexion with the bloody scenes of the Alamo, Goliad and San Jacinto, indicate hard fighting. But the above intelligence was preceded by an account of Indian hostilities on the Navisoto, 120 miles west of Nacogdoches. These facts, added to others hitherto published, of decided indications of hostilities on the part of the many tribes of Indians near and upon the disputed territory, have prompted me to request of your excellent governor Cannon, a regiment of mounted gunmen to join me as speedily as possible, by companies, or in a body, as it may be deemed most convenient. I have also desired a similar corps from the governor of Kentucky, another from the governor of Mississippi, and another from gov. White of Louisiana. If you come, come quickly; and say so to all my young friends near you. I am resolved, in case the Mexicans or Texians employ the Indians against the people of either side of the imaginary line, to inflict on the offenders summary and severe punishment.

E. P. GAINES.

Extract of a letter from the secretary of war to major general Gaines, dated,

War department, July 11, 1836.

"I have received and submitted to the president your letter of June 7th, together with the report made to you by captain Dean.

"I am apprehensive from the tenor of this report, as well as from your observations, that the frontier has much to fear from the hostilities of the Indian tribes living in Texas. On this subject it is proper to call your attention to the instructions previously issued to you, and to say to you that if the conduct of the Indians in Texas threatens the frontier whose defence is entrusted to you, and you consider it necessary, with a view to its protection, to advance as far as Nacogdoches, you will do so without hesitation. If the authorities of that country cannot prevent bodies of savages from approaching our frontier in arms, the necessary precautionary measures must be taken by you. This is the view of the president."

War department, May 11, 1836.

SIR: The president is very solicitous that you should act cautiously in carrying into effect your instructions, and do nothing which can compromit the neutral relations of the United States. Your great objects, as I have before stated, are to defend our frontier and to fulfil the neutral obligations of the government. If the Indians are not imployed immediately upon the border, there will be no need of your advancing beyond the territory in the actual occupation of the United States, unless armed parties should approach our frontier so near as manifestly to show that they mean to violate our territory. Such a state of things is scarcely to be anticipated from either of the contending parties in Texas. But it is otherwise with the Indians. In the excitement of war they will not be restrained by boundary lines, but will seek scalps wherever they can find them. The whole history of the employment of Indians, in the contest between civilized communities, proves this fact.

It was principally with a view therefore to this state of things, that you were authorised to cross the line dividing the country actually in the occupation of the United States, from that heretofore in the possession of Mexico, if such a measure be necessary for the defence of the frontier. But I must impress upon you the desire of the president that you do not advance unless circumstances distinctly show this step is necessary for the protection of the district of our country adjoining the scene of operations in Texas. And shall you find it necessary to advance, you will not fail to communicate to any armed parties in the country your orders and objects. But you will, under no circumstances, co-operate with any of them or suffer any of them to join you, nor interfere in any manner with any military operations in Texas, except such as may be necessary for self-defence.

Should you pass beyond the above mentioned boundary line, you will return as soon as the safety of the frontier will permit. Very respectfully your most obedient servant,

LEWIS CASS.

Maj. gen. E. P. Gaines, Fort Jesup, Louisiana.

From the New Orleans Bee.

ORDERS.

Head quarters, July 12, 1836.

Major general Gaines, under the special authority of the president of the United States, has required of the state of Louisiana, ten companies of mounted gunmen, "volunteers if practicable," to serve for six months from the day they reach their rendezvous, to be discharged at any time by the United States.

As no companies of mounted gunmen now exist in this state, it is only by the voluntary formation of such companies, that this requisition can be complied with.

The citizens of the state subject to militia duty, are therefore invited to enroll themselves in volunteer companies of that description, and to organize themselves in conformity with the law. The following instructions, founded on the laws of the United States and of this state, will govern them.

Each company will be composed of one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, four corporals, one saddler, one farrier, one trumpeter and sixty-four privates—in all seventy-nine.

When the requisite number of each company is enrolled, an election for commissioned officers will be held, under the direction of the colonel commanding the regiment where the election is to take place, as provided in the twenty-second section of the militia law of 1834.

The formation of the company, and the result of the election will be reported to the adjutant general, at New Orleans, in order that the officers may be commissioned.

If a company already organized, whether complete or not, and having its officers already commissioned, should volunteer their services, no new election will be necessary.

When each company is organized, the commandant thereof will report to general Gaines, at Camp Sabine, beyond Natchitoches, or to such officer, and at such place, as general Gaines may have designated; and will ask instructions where to apply for arms, equipments, transportation and camp equipages, and for such information as may be desirable relative to buy clothing and allowances. Information will be obtained from the same quarter, as to when and by whom the troops are to be mustered into the service of the United States.

If the companies should be organized into a regiment or battalion, before tendering their services to the United States, then the commander and other field officers chosen by themselves under the state laws, will continue to command, as provided by the act of congress of 23d of May, 1836, sec. 3. But if they are not organized into a regiment or battalion before the tender of services, then the commander-in-chief will either select the commander of the quota, from among the officers of sufficient rank who volunteer their services, or order it to be determined by the officers of the proper grade in the state, or who volunteer. The other field officers will be chosen by the officers of the corps, among those of a proper grade who volunteer, under the provisions of the 71st and 72d sections of the militia law of 1834.

The officers commanding the different corps in the state, within whose command any volunteer companies may be formed, in compliance with this requisition, will report to the adjutant general's office, from time to time, the progress made in organizing them, and the time of their departure for the place of rendezvous. By order of the commander-in-chief,

PERSIFOR F. SMITH, *adjut. and maj. gen.*

GEN. GAINES TO GOV. CANNON OF TENNESSEE.

Head quarters, western department, camp Sabine, June 6, 1836.

DEAR SIR: I take much pleasure in tendering your excellency my grateful acknowledgments for the prompt and efficient measures which you have taken to comply with my request of the 8th of April, to furnish for the protection of this frontier, a brigade of volunteers.

The perusal of your letter of the 28th April, with your proclamation, together with the spirited address of your talented and patriotic staff, could not but awake in my mind many delightful recollections of the past 46 years of my life, in which I have been a Tennesseean—counting from her infancy as a territory, to her present greatness as a state—though not yet half grown—during which time she has been unsurpassed by any of her sisters, spirited and patriotic as they are, in her promptitude and devotion to *her own and the national defence*—recollections which will never cease to make my heart glad, till it ceases to vibrate, that my lot was cast when a small boy

upon the territory which now forms the state—and that I was thus early favored with an opportunity of obtaining as her adopted son, and her healthful schools, a knowledge of the arts of *free government and of war*, or in other words, a knowledge of the *rights and practical duties of self-government*, embracing the *right and duty of self-defence* as a state or as a nation. Those who clearly understand these kindred rights and duties, will never hesitate—the people of the state of Tennessee have never hesitated, to fly to the frontier for its protection menaced by a gathering foe: they pause not first to learn that their border brethren are laid in the dust and ashes.

The reports from the neighboring Indians, which I had the honor to communicate to you, have been but in part confirmed. The most formidable tribes are doubtless disposed to keep up appearances of a pacific disposition towards us, under the present depressed condition of their western friends, by whose agents these Indians have been excited to a spirit of hostility, against our white inhabitants on the Texas side of our unmarked boundary line, and within the disputed territory, until a more favorable change occurs in the affairs of those pretended friends.

I am convinced, that no one in this quarter doubts that the United States troops at this place and at Fort Towson, followed by the late extraordinary change of affairs in Texas, has saved the whole of this and the adjacent country, (near *four hundred* miles in extent along the unmarked, and for some distance of the way, imaginary line), from an Indian war, fomented by persons, now known to have acted under the authority of president *Santa Ana*, notwithstanding he was the acknowledged head of the government of Mexico, and hence solemnly bound to respect the treaty requiring the United States and Mexico to employ force to restrain the Indians from committing acts of hostility on either side of the line.

I find that the report, to which the capture of the president Santa Ana gave rise, that the *independence* of Texas would be immediately acknowledged by the Mexican government, is not now so confidently credited as it was when I last addressed you. The Indians may therefore again be required to act against that portion of our inhabitants residing within the disputed territory. In this apprehension I cannot but feel some reproach, that I should so hastily have denied myself the pleasure of receiving at this place and retaining in the service of the public, until every difficulty among the Indians and their allies had been permanently settled, the brigade of *Tennessee volunteers*. This painful feeling would be greatly heightened by any disaster which may possibly result from their absence. If they were here, I felt convinced that the *moral effect* of their presence, even should there be no fighting, would be of more value to the country and the service, than ten times the amount of their pay; and that a *comfortable* as well as a *profitable* tour of service might be calculated on. We occupy a high healthy country, having excellent springs, and pure air, without musquitoes, with an abundant supply of excellent *flour, pork, beef, sugar and coffee*, with corn for 3,000 horses six months, or for fifteen hundred horses for twelve months. To which I may add the important consideration, that I have nowhere seen better instructed troops, particularly the 6th U. States regiment, than those now with me. Indeed, this frontier, should we have some active movements in the presence of an enemy, or even in reconnoitring the military school, where a few months' tour of service would give to the Tennessee volunteers, a perfect knowledge of all the *tactics*, and other duties of the *company* and the battalion, necessary to make them in the highest degree efficient in battle. They would then, when added to the regular forces, under any probable change of circumstances, afford complete PROTECTION; that sort of protection which is guarranteed by the constitution of the United States to the people of the United States—the whole of the people, including the pioneer, the orphan and the widow, inhabitants of the frontier camp or cabin, as well as the polished and wealthy citizen of the great emporium of party politics, of commerce and fashion—that protection, which should, if possible, commence before the work of destruction on the frontier has begun—protection to the *living citizens* rather than to the *ashes of the slain*.

The Tennessee volunteers would moreover have the advantage of studying and acquiring a knowledge of the topography of this all-important border of our national domain, which, with their military knowledge and known powers, would fit them as *veterans* for great future usefulness, when some foreign power, in order to cripple or divide us, shall again tamper with our Indians, or send to Texas an overwhelming force to operate against us. Under all these circumstances of the service, I think it my duty to request your excellency, to authorise the brigade of Tennessee volunteers, enrolled agreeably to your proclamation, to calculate on the probability of another call to this frontier. Should I have occasion for volunteers, as I apprehend I shall, those enrolled under your proclamation shall have a preference to all others.

Accept, I pray you, renewed assurances of my respect and friendship. EDMUND P. GAINES, *maj. gen. com.*

His excellency governor Cannon.

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We published in the last "REGISTER," page 365, the proclamation of the governor of Kentucky, calling for volunteers for the United States service, and now publish the requisition of the war department and the letter of general Gaines, under authority of which the governor acted.

CALL FOR VOLUNTEERS.

War department, May 6, 1836.

SIR: I am instructed by the president, to request that you will call into the service of the United States, such number of militia as may be required by general Gaines, to whom has been entrusted the command of the forces for the south western frontier, to serve not less than three months after their arrival at their place of rendezvous, unless sooner discharged.

Very respectfully, your most ob't serv't, LEWIS CASS.

His exc. J. T. Morehead, act. gov. of Kentucky, Frankfort, Ky.

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Head quarters, western department, Camp Sabine, Tuesday morning, 28th June, 1836.

SIR: I last night received information from a high official source in Texas, that the Mexican army at Matamoras, under general Urrea, had been reinforced to the number of 7,000 men, and was, on the 18th instant on its march, and rapidly advancing towards *Guadaloupe Victoria*, the head quarters of the Texian army, under general Thomas J. Rusk; that the Mexican motto was, "*Extermination to the Sabine, or death*," to which the soldiery were sworn, and that the motto of the Texian army was "*Liberty or death*."

This intelligence was preceded by the report of major Sterling C. Robertson, sustained by the deposition of two facts deposed, that two men were recently killed, and another wounded on the water of the *Navasota*, in Robertson's colony, about 120 miles west of Nacogdoches, by the Indians of several different tribes (*Caddoes, Kuchies*, and others), who had taken and carried away several women and children, of the families of the men killed.

The above intelligence, taken into connection with the history of the bloody conflicts of the months of March and April last, at the Alamo, at Goliad, and at San Jacinto, sufficiently indicate the character of the approaching events, as well as the necessity of increasing vigilance on the part of the United States, to maintain our neutral relations, and stay the work of devastation in the disputed territory, and preserve this frontier from the horrors of savage war.

To effect these important objects, a mounted force fully equal to that of the *principle belligerents* is necessary. For this purpose I have to request of your excellency, a regiment of mounted gunmen, volunteers if practicable, to consist of ten companies, to be enrolled and repair to this place by companies or in a body, as may be most convenient, via Little Rock, Arkansas. Subsistence, forage and transportation for the route, will be furnished by capt. J. P. Taylor, similar supplies, with camp equipage, arms, &c. will be furnished at Fort Jesup and this place. The companies to continue in service for six months from the day they reach their rendezvous, to be discharged at any time by the United States.

I have the honor to be, very respectfully, your most obedient servant, EDMUND P. GAINES, *maj. gen. com.*

To his excellency the governor of Kentucky.

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Extract from the journal of a military journey to the Sabine:—

In consequence of apprehended difficulties on the Mexican frontier, and as a protection to our citizens who live in that region, our government has established a large military force there, which is now encamped near the Sabine river. It was advisable also to keep an eye to the Indians in the neighborhood, particularly the Camanches, a restless tribe, and, on our continent, the Arabs of the prairies. They are excellent horsemen, leading a roving life, ever ready for war.

The sixth regiment United States infantry received orders last spring to proceed in this direction; accordingly, leaving their old station in Missouri, passing down the Mississippi and up the Red river, they reached Natchitoches near the end of March last, two hundred miles below "the raft." It contains about five hundred settled inhabitants, black and white, the former being most numerous. Between Natchitoches and Fort Jesup there is a little Spanish town of some fifty inhabitants, and although they appeared to have an abundance around them, they would not sell a single chicken to support us on our journey. Their houses are built in the Spanish style of logs, and a small chapel, of the same materials, containing half a dozen broken bells.

On the arrival of major Thompson, who commands the regiment, he used every exertion to get it out to Jesup. It was extremely difficult to obtain transportation, and the roads were so bad, that the soldiers in marching had to lift the oxen bodily from the mud holes, and afterwards the wagons—poor fellows, it was a hard march!

Fort Jesup, so called, though it looks like a little hamlet in the midst of the forest, without system or regularity, and no enclosure around it, is near the Spanish border, in a middle distance between Natchitoches and the Sabine, and one cannot reach it from either place in one day, except on horseback.

We had not been long at the fort, when an express for the troops to be ready for marching by 3 P. M. of the same day, was received, and the day following they proceeded towards the Sabine—fourteen companies of infantry, being the whole of the sixth infantry, and four companies of third infantry, with two pieces of artillery. The line, as it led though the forest, made a noble appearance.

We encamped near the Sabine. Hundreds of families were returning from Texas, and there was more misery among them than could well be imagined. All, throughout the woods, were living under sheds, those going to Texas, who had been stopped

by the accounts which they heard, and others who were returning to their old homes. Under the same sheds were to be seen blacks and whites, who had sickened with the measles, some of whom were constantly dying, and the whole destitute of the means of relief. It made one's heart sick to witness these spectacles.

Yet it is with the prospect of encountering such troubles that many leave their peaceful homes for an unsettled and adventurous life. Fancy has painted golden prospects in Texas, and men risk untold dangers to reach it. Arrived there, they find a beautiful country which is justly called the garden of the earth; but in its midst are war and plunder, desolation and death, and a multitude of worthless men who are prepared to commit any outrage which their ungovernable propensities may indicate.

THE ARMY.

GENERAL ORDER, NO. 52.

Adjutant general's office, Washington, August 1, 1836.

The following resignations have been accepted by the president of the United States, to take effect at the dates set opposites their respective names, to wit:

Brevet brigadier general D. L. Clinch, colonel of the 4th regiment of infantry, September 21, 1836.

Brevet major F. Ansart, captain of 3d regiment of artillery, August 31, 1836.

Captain A. Talcott, corps of engineers, September 21, 1836.

Captain C. Ward, 4th artillery, August 31, 1836.

First lieutenant M. C. Ewing, 4th artillery, August 15, 1836.

First lieutenant W. Hood, 4th infantry, August 7, 1836.

First lieutenant J. Barnes, 4th artillery, July 31, 1836.

Second lieutenant T. F. Drayton, 6th infantry, August 15, 1836.

Second lieutenant F. Vinton, 3d artillery, August 31, 1836.

Second lieutenant T. J. Lee, 4th artillery, August 31, 1836.

Second lieutenant A. Brush, 4th artillery, July 28, 1836.

Second lieutenant L. Sitgreaves, 1st artillery, August 31, 1836.

Second lieutenant J. Brown, 2d infantry, July 31, 1836.

Brevet second lieutenant W. H. Price, 1st infantry, August 31, 1836.

By order: R. JONES, *adjutant general.*

ORGANIZATION OF THE POST OFFICE DEPARTMENT

UNDER THE LATE ACT OF CONGRESS.

The duties of the department are divided, and distributed as follows, viz:

CONTRACT OFFICE.

To this office are assigned the duties of arranging the connexions of the mails on all the mail routes in the United States, adjusting the speed of the mails, fixing on the frequency of their trips, and the mode of conveyance, making out advertisement for mail service, receiving the bids, preparing them for the action of the postmaster general, preparing forms of contracts, sending them out and seeing to their execution, examining and preparing for decision all propositions for changes in the mail service, fixing on the location of distributing post offices, directing course of distribution, proving and sending out mail bags and mail locks and keys, and performing all acts appertaining to post roads which are necessary to put the mails in motion, and regulate their conveyance, speed and connexion.

This office is under the superintendence of *S. R. Hobbie*, esq. first assistant postmaster general, to whom all proposals for mail service, and all letters relating to the making or changing of contracts and schedules, to mail bags, locks and keys, and every thing else having reference to the duties of the office, should be directed.

APPOINTMENT OFFICE.

To this office are assigned all questions which relate to the establishment and discontinuance of post offices changes of site and names, appointment and removal of postmasters, as also the giving of instructions to postmasters, furnishing them with blanks, and the performance of all other acts necessary to prepare post offices for the reception and proper management and distribution of the mails.

This office is under the superintendence of *Robert Johnson*, esq. second assistant postmaster general, to whom all letters relative to the subjects mentioned above, and all complaints against postmasters, should be directed.

INSPECTION OFFICE.

To this office is assigned the duty of seeing that all postmasters at the beginning and ends of routes, and such others as may be directed by the postmaster general, keep and return registers of the arrival and departure of the mails, according to law; of examining said registers, noting all delinquencies of contractors and preparing them for the action of the postmaster general; receiving and preparing for decision all special complaints against contractors; of seeing that all postmasters render their quarterly accounts according to law and the instructions of the department, promptly reporting all delinquents to the appointment office, and doing all other things which may be necessary to secure a faithful and exact performance of their contract service on the part of contractors, and the prompt rendition of the postmasters' quarterly accounts.

This office is under the superintendence of *Daniel Coleman*, esq. third assistant postmaster general, to whom all mail registers, all letters complaining of or reporting contractors, and all quarterly accounts should be directed.

POSTMASTER GENERAL.

In addition to the general superintendence of these offices, the postmaster general reserves to himself the special superintendence of the business connected with mail depredations; the payment by postmasters of the balances due from them; the bank accounts of the department; the opening of dead letters and the disposition of the valuables found in them, and every other matter having relation to the administration of the department not committed to his three assistants.

All letters relative to losses in the mail, or mail depredations; all letters from postmasters inclosing certificates of deposite; all letters of banks having reference to their accounts, and all other letters in relation to any matter or thing appertaining to the department, which is not assigned by laws to the auditor, or by regulation to one of the assistants, should be addressed to the postmaster general.

AUDITOR'S OFFICE.

The late law established the office of "auditor of the treasury, for the post office department." To this office, the law assigns the duty of settling all accounts of the post office department, whether of postmasters, contractors or others.

Charles K. Gardner, esq. is the auditor, and all accounts against or with the post office department, (other than postmasters' quarterly accounts), all letters in relation to accounts, all letters inclosing the receipts of contractors, all letters returning drafts on postmasters, and all other letters making claims or explanatory of accounts, should be addressed to him.

EXPORTATION OF COTTON.

Official.—From the Globe.

Department of state, Washington, August 2, 1836.

The following regulation regarding the admission of vessels laden with cotton to the ports of the Baltic sea, having been recently communicated to this government by *baron Krudener*, the envoy extraordinary and minister plenipotentiary of his majesty the emperor of Russia, is now published for the information of those concerned.

[TRANSLATION.]

Regulation for the admission of merchant ships laden with cotton into the ports of the Baltic sea.

I.—*Respecting the passage of vessels through the Danish sea.*

1. Vessels laden with cotton, bound for the Russian ports in the Baltic, passing through the sound, the Great or the Little Belt, or the Holstein canal, and coming from a place not known to be entirely healthy, are required by the ukase of May 22, 1828, to present, before entering into the Baltic, a certificate, in due form, delivered by the Danish quarantine establishments, declaring them to have been purified, or to be in a satisfactory state of health, in virtue of the regulation of May 25, 1816.

2. Every vessel arriving laden with cotton, at a Russian port in the Baltic, from a place known to be entirely healthy, by the ukase of May 22, 1828, must exhibit, on its passage through the Danish seas, specific proofs of the satisfactory condition of the cotton.

3. Satisfactory proofs of the condition of the cotton are—

a. The passports delivered by the custom house in ports which are not suspected, indicating also the quantity and the origin of the cotton laden at such ports.

b. Certificates to the same effect delivered by our consuls, or by the consuls of the powers to which these vessels belong, if such documents have been delivered in the ports where the cotton was laden.

4. On exhibition of these certificates by the vessel, the Danish custom house will attest upon the receipt which it gives for the payment of the sound duties, that the proofs required with regard to the satisfactory condition of the cotton have been furnished.

5. When the vessels are provided with neither a custom house passport, nor a consular certificate, stating the quantity of the cotton, and that it comes from a place not suspected, or that it has been purified by quarantine, and when these vessels have not even a quarantine certificate, they shall be obliged (if they come with cotton from a place entirely healthy, and are bound for a Russian port) to perform a quarantine in Denmark, and to provide themselves there with requisite certificates in due form, without which they will not be allowed to continue their voyage, as they will not be received in Russian ports.

II.—*Respecting the admission of vessels into Russian ports.*

6. In consequence of the foregoing rules, no vessels laden with cotton shall be admitted into the Russian ports, except those which exhibit a certificate from one of the Danish quarantine establishments, or a receipt from the Danish custom house as mentioned in the fourth article, with the endorsement of the custom house declaring that the satisfactory proofs as to the condition of the cotton have been furnished.

7. Simple receipts for the payment of the sound duties, without the abovementioned endorsement, will not be considered sufficient, when exhibited by vessels laden with cotton; and these vessels shall be treated like all those which are not provided with sufficient certificates as to their healthy condition; that is to say, they shall be sent back to Elsinose.

CHRONOLOGY OF COTTON.

1730. Mr. Wyatt spins the first cotton yarn in England by machinery.

1735. The Dutch first export cotton from Surinam.

1742. First mill for spinning cotton erected at Bermingham, moved by mules or horses; but not successful in its operations.

1749. The fly shuttle generally used in England.
1756. Cotton velvets and quiltings made in England for the first time.
1761. Awkright obtained his first patent for the spinning frame, which he further improved.
1768. The stocking frame applied by Hammond to the making of lace.
1774. A bill passed to prevent the export of machinery used in cotton factories.
1779. Mule spinning invented by Hargrave.
1781. First import of raw cotton from Brazil into England.
1782. Watt took out his patent for the steam engine.
1783. A bounty granted in England on the export of certain cotton goods.
1785. Power looms invented by Dr. Cartwright. Steam engines used in cotton factories.
1786. Bleaching first performed by the agency of the oxymuriatic acid.
1787. First machinery to spin cotton put in operation in France.
1789. Sea Island cotton first planted in the United States; and upland cotton first cultivated for use and export about this time.
1790. Slator, an Englishman, builds the first American cotton factory at Pawtucket, Rhode Island.
1793. Eli Whitney, an American, invents the cotton gin, which he patents.
1798. First mill and machinery for cotton erected in Switzerland.
1799. Spinning by machinery introduced into Saxony this year.
1803. First cotton factory built in New Hampshire.
1805. Power looms successfully and widely introduced into England.
1807. The revolution in Spanish America begins to furnish new markets for cotton manufactures.
1810. Digest of cotton manufactures in the United States by Mr. Gallatin, and another by Tench Coxe, esq. of Philadelphia.
1811. Machinery to make bobbin lace patented by John Burn.
1813. The India trade more free, and more British manufactures sent there.
1815. The power loom introduced into the United States; first at Waltham.
1818. Average price of cotton 34 cents—higher than since 1810. New method of preparing sewing cotton, by Mr. Holt.
1818. Extraordinary prices for Alabama cotton lands.
1820. Steam power first applied with success extensively to lace machinery.
1822. First cotton factory in Lowell erected.
1823. First export of raw cotton from Egypt into Great Britain.
1825. In New Orleans cotton at from 23 to 25 cents per pound.
1826. Self-acting mule spinner patented in England by Roberts.
1827. American cotton manufactures first exported to any considerable extent.
1829. Highest duty in the United States on foreign cotton manufactures.
1830. About this time Mr. Dyer introduced a machine from the United States into England for the purpose of making cards.
1832. Duty on cotton goods imported into the United States reduced; and in England it is forbid to employ minors in cotton mills by night, or more than nine hours on a Saturday, in consequence of which they work at something else.
1834. Cotton at 17 cents.
1835. Extensive purchases made of cotton lands by speculators and others.
1836. Cotton at from 18 to 20 cents. [*Bicknell's Rep.*

A SCRAP FROM HISTORY.

From the Columbia, (N. Y.) Republican.

A few years previous to the war of the revolution, and while opposition to the encroachments and wrongs of the mother country was threatened by the colonies, certain members of the house of representatives of Massachusetts bay—seventeen in number—rendered themselves unenviably notorious on the following occasion. The legislature had addressed a circular to the speakers of the respective houses of representatives in the colonies, proposing a plan of opposition to the encroachments of the English parliament upon the rights of the colonies. This matter reaching the ears of the king, the governor, by his directions, required the legislature to revoke said circular. The question of revoking coming up in the house, 17 members were found that would succumb to the king.

In the year 1824, shortly after 17 of our state senators had rendered themselves equally notorious by their vote against the choice of electors by the people, Alexander Coffin, esq. of this city, who occasionally corresponded with the late president John Adams, both before and since the revolution, addressed a letter to Mr. Adams requesting a particular statement of the historical event above alluded to; remarking "that the seventeen rescinding members correspond so exactly with our seventeen senators who had the hardihood to deprive the people of the state of N. York of a voice in the choice of electors of president and vice president, that I am anxious to know their names, that they may be coupled together upon all future occasions."

The following is the reply to the letter of Mr. Coffin—

Quincy, 31st May, 1824.

MY DEAR SIR—Agreeably to your request, I send you some memoranda respecting a very important event in the history of our colonial opposition to the measures of the British government in 1768.

A circular letter dated 11th February, 1768, was addressed "by the house of representatives of Massachusetts bay, to the speakers of the respective houses of representatives and burgesses on this continent," proposing a plan of opposition to the encroachments of the British parliament, which was expressed in such terms and sentiments as gave great offence to the ministry. On the 21st June following, governor Bernard sent a message to the house of representatives, in which he asserted that he had his *majesty's orders* to require them to RESCIND the vote respecting said circular letter. On the 30th of the same month, the house sent a message to governor B. explanatory of their rights, and refused to rescind, notwithstand the mandate of the KING. This important vote was determined by ninety-two to seventeen, nineteen members absent.

You no doubt, sir, well remember the excitement which this measure occasioned. The majority were celebrated in toasts and huzzas as the "*glorious ninety-two,*" and the minority were execrated as the "*infamous seventeen.*" The tories cried out rebellion! rebellion! In no part of the British dominions was the Scotch rebellion execrated more than in New England. Loyalty to the king was at that time undiminished; but opposition to the parliament was almost universal, even in the face of rebellion itself.

Agreeably to your wishes, I send you a list of the names of the *minority* who were in favor of obeying the mandate of the king. I remain, dear sir, with affection and respect, your friend, &c.

[The names of the persons we of course omit. ED. REP.]

OUTRAGE IN COURT.

From the Boston Courier of Tuesday last.

Considerable excitement has been made in this city since Saturday morning last, in consequence of the arrival at this port, in the brig Chickasaw, capt. Eldridge, from Baltimore, of two colored women, named Eliza Small and Polly Ann Bates, claimed as slaves of John B. Morris, of Baltimore. Mr. Morris, hearing of the flight of the two females, sent his agent, Mr. Matthew Turner, to this city, with power of attorney to hold them on their arrival. In pursuance of this order, Mr. Turner went on board the brig last Saturday, while she lay in the stream. He saw the females on board; they freely admitted that they were the property of Mr. Morris, and gave him reasons for making their escape. Mr. Turner then requested captain Eldridge to detain them, until he could obtain a warrant for their arrest. At that time there was a large collection of colored people upon the wharf, all very much excited. During Mr. Turner's absence, the females were rescued from the custody of the captain, by a writ of *habeas corpus*, in the hands of a colored man named S. H. Adams.

They were taken on Saturday before judge Wilde, who, in consequence of a technical objection, did not proceed in the hearing, and the case was postponed till yesterday morning, at 9 o'clock. At the opening of the court, yesterday morning, the chief justice Shaw took the bench. A. H. Fiske, esq. counsel for captain Eldridge, read the captain's answer, which stated that he had brought them as passengers in the brig, but that before she arrived at the wharf the owners sent him orders to have her anchored in the stream; that he had been applied to by the agent of their owner, who claimed the two women as his slaves, and that he has detained them, in order to get a warrant to carry them before one of the United States judges.

Mr. Fiske then read an affidavit in confirmation of this statement, and moved that the hearing might be postponed, in order to bring evidence from Baltimore that they were slaves. The court was addressed by Mr. Fiske in support of his motion, and by Mr. Sewall in opposition to it. The judge thought that under the circumstances, capt. Eldridge had no right to detain them, as he did not bring himself within the provisions of the United States statute, and that the women must be discharged.

The judge concludes his opinion by saying, "the prisoners must therefore be discharged from all further detention," when Mr. Turner rose and intimated that he should make a fresh arrest of the women, and inquired of the judge whether it would be necessary to have a warrant for that purpose. At the same moment a constable was sent to lock the door which led down stairs. This created instantly a tremendous excitement among the colored people with whom the court was thronged. Under the mistaken impression that the words of the judge amounted to a discharge of the prisoners, and supposing that the claimant was about to make a fresh seizure on the spot, which might be intercepted, a general rush was made, prisoners and crowd together—down the stairs of the court house, at the door of which the prisoners entered a carriage and were driven off, before any one could prevent it.

The judge stated that they must be brought back to be regularly discharged in open court. The counsel for the women expressed to the judge his regret that any violation of the decorum of the court should have been committed. The colored people present had, however, acted under a mistake, and a delay of five minutes would have seen the prisoners at liberty, unless, indeed, they had been taken on a fresh process from some other court.

This account of the scene in the court room, yesterday morning is from the Transcript. It is not believed by any body that the slaves were rescued under a "*mistaken impression,*" as it was boasted of two hours before the affair took place, that whatever the decision might be, the slaves would be rescued by the blacks and would not be allowed to go to jail. A large number of acknowledged abolitionists were on the spot, and two or three of the members of the Female Anti-Slavery society were in the court room, giving their countenance to the blacks in their outrage upon the court.

Judge Shaw, it is said, was obliged, not receiving sufficient support from the officers of the court, to descend from the bench and personally defend the door of the court room. He and the officers were, however, overpowered and the slaves escaped.

The scene in Court square and School street about 10 o'clock yesterday forenoon, baffles description. The slaves were hurried from the court room down two flights of stairs to a carriage which stood ready, with the door open, and a black driver, into which they were pushed. Then a number of black women divested themselves of shawles, bonnets, &c. and offered them to the slaves, after which the carriage drove off, followed by the crowd, consisting of four or five hundred blacks of all ages and both sexes, shouting "hurrah for freedom," &c.

What steps have been taken by the judge and sheriff to bring back the slaves, we have not learned, but strong imputations are cast upon the latter for not having a sufficient force ready to protect the dignity of the court, and his own authority.

FORMATION OF A NEW REPUBLIC IN S. AMERICA.

By the following translations from the Lima Peruano of the 10th of April, it will be seen that a new independent state, called South Peru, has been formed in South America the name indicates its situation. It probably owed its political existence to the following circumstances:

The state of Bolivia south east of Peru seems destined from its extent, its situation, its fertility and its mines, to be the most important power in South America; it has also been better governed, particularly with regard to the administration of its finances, than any other; the president, Santa Cruz, indeed possesses what we should consider very extraordinary prerogatives, but he seems to have used them wisely and moderately; though he holds them firmly. Bolivia labors under one disadvantage; it possesses about 300 miles of coast on the Pacific, but the whole of its territory, between that ocean and the Andes, is a sandy desert, and there is but one spot—Cobija or Puerto Lamar—which offers any facilities for the entrance of vessels, or for communications with the interior. North of this desert, a long slip of Peru extends between Bolivia and the sea, containing several ports, one of which, Arica, is admirably adapted for the commercial communications between the latter republic and the rest of the world.

This slip has been the cause of much ill feeling between the two states, Bolivia desiring to possess it, and Peru being determined to retain it. This ill feeling has, however, exhibited itself only in legislative enactments and executive decrees. Peru insists on laying a transit duty on all goods entering her territories. Bolivia endeavors to invite foreign trade to Port Lamar, by the advantages held out there. A Bolivian decree declares Port Lamar a free port, the advantages expected from this measure are soon neutralized by a Peruvian law, reducing the transit duties on goods arriving at Arica for Bolivia; these duties are again raised as soon as the current has been well turned towards the Peruvian port.

The bloody war which has been for some time going on in Peru, between the partizans of Orbigozo, the regularly constituted chief of the government, and Salaverry the commander of the rebels, afforded an opportunity for the interference of the Bolivians. Santa Cruz joined the South Peruvians in favor of the regular government, and, after several sharp actions, the united forces were completely victorious at Socabaya, on the seventh of February last. Salaverry was taken, and, with many of his adherents, shot.

The division of Peru into two states, the southernmost of which is placed entirely under the protection of Bolivia, will doubtless enable the government of the latter to arrange its commercial affairs more satisfactorily than heretofore.

[*Globe.*

SOLEMN DECLARATION OF THE INDEPENDENCE OF THE STATE OF SOUTH PERU.

The assembly of South Peru, in the name of the departments of Arequipa, Ayacucho, Cuzco and Puno,

CONSIDERING.

I. That the people of the south have been convinced, by long and sad experience, that their union under the same government with those of the north renders their oranization difficult if not impossible, and consequently prevents them from attaining that happiness which depends so essentially on the form of their institutions:

II. That the revolutions of which all Peru has been the victim, have arisen from this forced union; that they have dissolved the general compact; that the people of the south as well as those of the north have a right to provide for their future security, by the only means which can contribute to it, which means are indicated in the summons issued by his excellency the president of Peru, who was induced to act thus by the most just and serious considerations, no less than by the unanimous voice of the people of the south.

III. That the government of Peru and Bolivia have engaged to respect, to execute and to guarantee the deliberations of the assemblies, convoked by the decree of June, 1835, in compliance with the treaty concluded at La Paz on the 15th of the same month, and solemnly ratified on the 24th; his excellency the provisional president of Peru, having, in consequence surrendered to that assembly, in his message of December 7, 1835, the command which he exercised over these departments:

IV. That his excellency Andres Santa Cruz, the captain general and president of Bolivia, and supreme chief of the united army, has engaged, in the name of his nation, by his declaration made at Puno on the 1st of July, 1835, to guarantee the deliberation of the said assemblies:

V. That Bolivia has engaged by its congress, and by the said declaration of Puno, to enter into bonds of confederacy with the states of North and South Peru, as soon as they have been organized:

VI. That the memorable victories obtained by the united army in the fields of Yanacocha, Ananta, Camarasas, Callao, Gramadal and Socabaya, by restoring peace and repose to Peru, have afforded an opportunity for the expression of the will of the people with regard to their own interests, by means of their legitimate representatives—

SOLEMNLY DECLARES AND DECREES:

Article 1. The departments of Arequipa, Ayacucho, Cuzco and Puno, declare and constitute themselves an independent state under the denomination of the state of South Peru (*Estado Sud-Peruano*), adopting for its government the popular representative form.

Article 2. The state of South Peru engages forthwith to enter into bonds of confederacy with the states which may be formed in the north, and with Bolivia: the basis of such confederacy to be fixed by a congress of plenipotentiaries, named by each of the three states which are to form the union.

Article 3. The exercise of the whole public power of the state is for the present committed to his excellency Andres Santa Cruz, the captain general and supreme chief of the united army, who will bear the title of *supreme protector of the state of South Peru.*

Article 4. The protector of the state of South Peru will invite the other states to enter into the proposed confederacy, and will take every measure which may tend to carry that object into effect in a manner conformably with the desires of the people.

Article 5. The protector of the state shall, as soon as he considers himself authorised by circumstances, convoke a congress, by which the fundamental constitution of the state shall be formed.

In faith whereof—we, the representatives of the four departments, do make and sign, in their name and in our own, the present declaration, as the will of our constituents, who for themselves and we for them, do engage to sustain, preserve and defend it with all our might, pledging thereunto our honor, and invoking the protection of the Supreme Being, as well as that of our sister, the republic of Bolivia.

Done in the hall of session, at the city of Sicuana on this 17th day of March, 1836.

CANALS, RAIL ROADS, STEAMBOATS, &c.

A canal is to be made by the state of Illinois, and is called the Illinois and Michigan canal. It commences at Chicago and continues to the navigable waters, by steamboats all seasons of the year, to the Illinois river, a distance of 93 miles. The estimated cost of making this canal is *seven* millions of dollars—within 36 miles of Chicago, they have to cut twenty-four miles through solid rock, from 7 to 28 feet in depth and sixty feet in width, the estimated cost of making this 36 miles of this canal, is four millions of dollars. The commissioners advertise for ten thousand laborers, and offer from 20 to 26 dollars per month.

St. Lawrence and Atlantic rail roads. A rail road is proposed from St. Andrews, N. B. to Quebec. The contemplated route passes through the territory in dispute between the United States and Great Britain. The Maine folks don't like to have it go there, as they mean to have a rail road from Quebec to Belfast, with which the former would interfere. The cost of the Quebec and St. Andrews road is estimated at about $4,000,000; length 250 miles. The British government has sanctioned its construction by a grant of £10,000 from the land revenue of New Brunswick. The legislature of Lower Canada and New Brunswick have also given it their official approbation. In the mean time the survey of the Quebec and Belfast rail road is going forward under the direction of col. Long, U. S. engineer, with 35 assistants. Fourteen miles nearest Belfast, were finished on the 6th inst. and the whole will be done by the 1st of October. It is proposed to apply to the legislature of Maine for a slice of the surplus revenue. The rail road up the valley of the Connecticut and Assumpsit rivers, of which surveys are about to be made, will also come in for a share of the business. So if all these projects succeed, there will be three lines of rail road communications from the St. Lawrence to the Atlantic. [*N. Y. Journal of Commerce.*

Dr. Nott, of New York, has recently successfully applied anthracite coal to the steam engine of the boat *Novelty*—and some pains have been taken by the New York editors to impress the public with the belief that Dr. Nott was the first to use such fuel for generating steam. But a Philadelphia editor, jealous of the honor of his state, says—There is abundant evidence to show,

that 25 years since, anthracite coal from the Lehigh mines was used as fuel under the engine at the centre square for supplying this city with water, under the direction of Frederick Graff, the intelligent superintendent of the Fairmount water works. On the union canal, two steam engines of 80 horse power each, with pumps 20 inches in diameter and 6 feet stroke, have been in use for more than nine years, to raise water to the summit level, a distance of 95 feet. Their only fuel has been nuthracite coal, of which each engine consumes daily about 6 71-100 tons. The quantity of water raised in 24 hours by these engines is 1,724,000 cubic feet. These engines were built after drawings furnished by Mr. Graff.

Again, the steamboat Pennsylvania, constructed for the Philadelphia steam tow-boat company, for the express purpose of towing vessels between this city and the capes of the Delaware, at all seasons, commenced operations about the 10th of March last, breaking the ice in the Delaware to near Chester, and thus opening the navigation which had for months been entirely impeded. Although the ice was from 7 to 12 inches in thickness, the Pennsylvania succeeded in opening a passage through it. As this kind of service requires extraordinary weight and strength, she has been constructed with a view to these qualities, and cannot therefore be expected to compete in speed with lighter and sharper boats; but when occasionally, she pass up or down the river without having vessels in tow, she has performed the distance between this city and Newcastle, 40 miles, in 2 hours and 26 min. or at a rate of more than 16 miles an hour. The fuel used on board the Pennsylvania is anthracite coal exclusively, after the fires are kindled. She is propelled by two high pressure engines with cylinders 20 inches in diameter and 6 feet 3 inches stroke. They are amply supplied with steam at a tension of 75 lbs. to the square inch, by three boilers of the form usually employed for locomotive engines, each of which is 5 feet in diameter and contains 96 tubes, each 3 inches in diameter and 8 feet in length. The boilers of the new steam tow boat and the steam packet States Rights, now building, to run between this city and Charleston, will contain tubes 2 and 2½ inches in diameter. The contracts for these boilers were made some months before the Novelty made her first trip. We trust that these facts will satisfy the most sceptical, that anthracite coal has been used for years as fuel for steamboats on the Delaware river, however much of a *novelty* it may be on the North river.

LAW OF CONGRESS

Granting half-pay to widows and orphans, &c.

An act granting half-pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That when any officer, non-commissioned officer, musician or private of the militia, including rangers, sea fencibles and volunteers, shall have died while in the service of the United States, since the twentieth of April, eighteen hundred and eighteen, or who shall have died in consequence of a wound received whilst in the service, since the day aforesaid, and shall have left a widow, or, if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death or receiving such wound, for and during the term of five years; and in case of the death or marriage of said widow before the expiration of said five years, the half-pay for the remainder of the time shall go to the said decedent: *Provided*, That the half-pay aforesaid shall be half the monthly pay of the officers, non-commissioned officers, musicians and privates of the infantry of the regular army, and no more. *Provided also*, That no greater sum shall be allowed to the widow, or the child or children of any officer than the half-pay of a lieutenant colonel.

Sec. 2. *And be it further enacted*, That if any officer, non-commissioned officer, musician, soldier, Indian spy, mariner or marine, whose service during the revolutionary war was such as is specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died since the fourth day of March, eighteen hundreed and thirty-one, and before the date of said act, the amount of pension which would have accrued from the fourth day of March, eighteen hundred and thirty-one, to the time of his death, and become payable to him by virtue of that act, if he had survived the passage thereof, shall be paid to his widow; and if he left no widow, to his children, in the manner prescribed in the act hereby amended.

Sec. 3. *And be it further enacted*, That if any person who served in the war of the revolution, in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died leaving a widow whose marriage took place before the expiration of the last period of his services, such widow shall be entitled to receive, during the time she may remain unmarried, the annuity or pension which might have been allowed to her husband, by virtue of the act aforesaid, if living at the time it was passed.

Sec. 4. *And be it further enacted*, That any pledge, mortgage, sale, assignment or transfer of any right, claim or interest in any money or half-pay granted by this act, shall be utterly void and of no effect; each person acting for and in behalf of any one, entitled to money under this act, shall take and subscribe an oath to be administered by the proper accounting officer, and retained by him and put on file, before a warrant shall be delivered to him, that he has no interest in said money by any pledge, mortgage, sale, assignment or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

Sec. 5. *And be it further enacted*, That the secretary of war shall adopt such forms of evidence, in applications under this act, as the president of the United States shall prescribe.

Approved, July 4th, 1836.

War department, pension office, July 9, 1836.

In order to carry into effect the act of congress of the 4th July, 1836, entitled "an act granting half-pay to the widows or orphans where their husbands and fathers have died of wounds, received in the military service of the United States, in certain cases, and for other purposes," the following rules have been prescribed by the president of the United States, and adopted by the secretary of war; and they are now published for the information of applicants under that law.

1. Applicants under the first section of the act must produce the best proof the nature of the case will allow, as to the service of the deceased officer or soldier; the time when he died, and the complaint of which he died, and the supposed cause of his disease. It must be clearly shown in what company and regiment or corps he served, and the grade he held. Such proofs must be had, either from the records of the war department, the muster rolls, the testimony of commissioned officers, or the affidavits of persons of known respectability. From similar sources evidence must be derived as to the period and cause of the death of the officer or soldier.

2. The legality of the marriage, the name of the widow with those of her children, who may have been under sixteen years of age at the time of the father's decease, with the state or territory and county in which she and they reside, should be established. The legality of the marriage may be ascertained by the certificate of the clergyman who joined them in wedlock, or the testimony of respectable persons having knowledge of the fact. The age and number of children may be ascertained by the deposition of the mother, accompanied by the testimony of respectable persons having knowledge of them, or by transcripts from the parish registers, duly authenticated. The widow at the time of allowing the half-pay, or placing her on the list for it, must show that she has not again married; and must moreover repeat this at the time of receiving each and every payment thereof, because in case of her marrying again, the half-pay to her ceases, and the half-pay for the remainder of the time shall go to the child or children of the decedent. This may be done by the affidavits of respectable persons having knowledge of the case.

3. In cases where there are children and no widow, their guardian will of course act for them; establish their claims as prescribed in the foregoing regulations, and receive their stipends for them.

4. Applicants under the second section of the law will make a declaration before a court of record, setting forth according to the best of her or their knowledge or belief the names and rank of the field and company officers, the day (if possible) and the month and year when the claimant's husband or father (as the case may be) entered the service, and the time when he left the same; and if under more than one engagement, the claimant must specify the particular periods, and the rank and names of the officers under whom the service was performed, the town or county and state, in which the claimant's husband or father resided when he entered the service; whether he was drafted; was a volunteer or substitute; the battles, if any, in which he was engaged; the country through which he marched, with such further particulars as may be useful in the investigation of the claim; and also, if the fact be so, that the claimant has no documentary evidence in support of the claim.

5. The same description of proof as to the relationship of the claimant to the deceased officer or soldier will be required as the rule under the first section points out.

6. Claimants under the 3d section of the law must not only produce such proof as the foregoing regulations direct, in relation to widows' claims, but they must in all cases, as an indispensable requisite, show when they were legally married to the deceased officer or soldier, on account of whose services the claim is presented, and that the marriage took place before the last term of service of the husband expired. They must also prove that they were never afterwards married.

7. In a case where the service of the deceased officer or soldier is clearly proved, by recorded or documentary evidence, or the affidavit of a commissioned officer, showing the grade and length of service of the deceased, the particulars in relation to the service are not required to be set forth in the claimants' declaration, except so far as to show that the claimant or claimants is, or are, the widow or children of the deceased.

8. The claimant must in every case where there is no record or documentary proof of the revolutionary service of the deceased officer or soldier, produce the testimony of at least one credible witness. Traditionary evidence will be deemed useful in every such case.

9. Applicants unable to appear in court by reason of bodily infirmity, may make the declaration before required, before a

judge or justice of a court of record of the county in which the applicant resides, and the judge or justice will certify that the applicant cannot, from bodily infirmity, attend the court.

10. Whenever any official act is required to be done by a judge or justice of a court of record, or by a justice of the peace, the certificate of secretary of the state or of the territory, or of the proper clerk of the court or county, under his seal of office, will be annexed, stating that such a person is a judge or justice of a court of record, or a justice of the peace, and that the signature annexed is his genuine signature.

11. The widows of those who served in the navy, or as Indian spies, will produce proof, as nearly as may be, conformably to the preceding regulations, and authenticated in a similar manner, with such variations as the different nature of the service may require.

12. The form prescribed for claimants under the 3d section of the act will be observed by every other description of claimants, so far as the same may be applicable to their cases. The judge or justice who may administer an oath, must in every instance certify to the credibility of the affiant.

13. In every case in which the deceased officer or soldier was a pensioner, the fact should be so stated, and the deceased pensioner so described as to enable the department to refer immediately to the evidence upon which he was pensioned, and thus facilitate the investigation of the claim of his widow or children. JAMES L. EDWARDS,
commissioner of pensions.

DECLARATION,

In order to obtain the benefit of the third section of the act of congress of the 4th July, 1836.

STATE, TERRITORY, OR DISTRICT of ———. } *ss.*

On this day of , personally appeared before the , of the , A. B. a resident of in the county of and state, territory, or district of , aged years, who, being first duly sworn according to law, doth, on her oath, make the following declaration, in order to obtain the benefit of the provision made by the act of congress, passed July 4, 1836. That she is the widow of , who was a [here insert the rank the husband held in the army, navy, or militia, as the case may be, and specify the service performed, as directed in paragraph No of these regulations.]

She further declares that she was married to the said , on the day of , in the year seventeen hundred ; that her husband, the aforesaid , died on the day of ; and that she has remained a widow ever since that period, as will more fully appear by reference to the proof hereto annexed.

Sworn to and subscribed, on the day and year above written, before ———.

POLITICS OF THE DAY.

Mr. *Jarvis*, one of the representatives in congress from the state of Maine, has in the following letter, declined being a candidate for re-election.

Washington, June 25, 1836.

To the electors of Hancock and Washington district:

FELLOW CITIZENS: When elected a representative in the first congress which assembled after the election of our present chief magistrate, I determined, if I retained your favor, that I would continue to serve you in that capacity during the time Andrew Jackson would be president. The period I assigned to myself is verging to its close, and as you will in less than three months be required to elect a representative of the 25th congress, I beg leave to decline the honor of being again a candidate for your suffrages. During the time I have been your representative, I have steadfastly supported the administration, and, in so doing, have acted not only in accordance with my own feelings, but with the views and intentions of a majority of my constituents. Permit me to indulge the hope that whosoever you may elect for my successor may serve you with equal zeal and greater ability; my heart assures me that he cannot serve you with more disinterestedness, devotion and fidelity. LEONARD JARVIS.

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Hon. *Bellamy Storer*, of Cincinnati, member of congress, is now on a visit to Portland, his native city. A number of the most respectable gentlemen of that city invited him to a public dinner, a few days since, but he declined the honor in the following letter:

Portland, July 18, 1836.

GENTLEMEN: On my return to the place of my birth, after so long an absence, it affords me unmingled satisfaction to meet once more my early friends. This pleasure, let me assure you, is rendered still greater, when the citizens of my native town, as well my seniors as my former companions, have united to express their approbation of my public conduct and private character. Such kind, such generous feeling, while it meets the gratitude of an overflowing heart, will furnish, in all after-time, a new incentive to duty.

You have referred to the distinguished man who is now the candidate of a numerous and proud-spirited portion of the American people for the presidential chair, in a manner which indicates your patriotic sacrifice of all personal preferences to sustain the principles of constitutional liberty. Your resolution, thus taken, is a proud tribute to the favorite son of the west, and will add new zeal to the already enthusiastic efforts of his friends.

The vindication of gen. Harrison to which you allude is before the word; if it shall tend to refute the ungenerous, the unmanly attacks which party spirit has made upon his well-earned fame; if it shall assist to inform the young, that the reputation of a gallant soldier has been vilely traduced, or to revive in the bosom of the aged the recollection of his services at a time when the whole union did him honor—I should feel that I had done some service to our common country. I leave the issue with the enlightened, the patriotic American people.

While I must be permitted to decline the honor of a public dinner, so feelingly tendered by my friends and fellow citizens, I cannot part with them without indulging the ardent hope, that no son of Portland, wherever his destiny may be cast, will ever forget his birth-place. The living and the dead are alike to be honored and venerated.

With the most sincere regard, permit me to subscribe myself your friend and servant, B. STORER.

Messrs. *Levi Cutter, Isaac Ilsley, Luther Jewett, John D. Kinsman* and *S. R. Lyman*, esqrs.

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From the Lexington, Kentucky, Reporter.

It will be seen by the following correspondence, that Mr. *Clay* has accepted the invitation to a public dinner, to be given by the citizens of Woodford county to Messrs. *Clay, Crittenden, Morehead* and *Allan*, on the 26th inst. near Versailles. We understand that Mr. Crittenden and governor Morehead have accepted the invitation, and we doubt not captain Allan will also accept the invitation.

Versailles, July 13, 1836.

Hon. H. CLAY: DEAR SIR: At a public meeting held in Versailles by the citizens of Woodford county, the undersigned were appointed a committee to invite you to partake of a public dinner near Versailles, on Tuesday the 16th instant, or any other day which may better suit your convenience.

Your fellow citizens of Woodford desire an opportunity of meeting you personally, and of expressing their entire approbation of your private and public character, and their unfeigned gratitude for the very able, eloquent and fearless manner in which you and your worthy colleague have discharged the duties of your station, as senators of the United States.

With sentiments of the highest personal regard, we remain yours.

SAMUEL M. WALLACE,
ALEX. DUNLAP,
CHARLES RAILEY,
DANIEL DIVINE,
HUMPHREY JONES, JR.
JOHN STEELE,
BEN. P. GRAY,
WM. B. BLCKBURN, JR.
WM. B. KINKAID, &c.

—

Ashland, July 15, 1836.

GENTLEMEN: Your letter, inviting me to a public dinner, near Versailles, on the 26th inst. in pursuance of a resolution adopted at a public meeting held in that town, has been duly received; and I am highly sensible of the honor then done me, and of the great value of the testimony which it renders to the fidelity of my services in the senate of the United States; and I request you to make known to my fellow citizens of Woodford county, whom you represent, the grateful obligations under which they have placed me.

I had wished on my arrival at Ashland to have remained in perfect quiet, but considering the shortness of the distance to Versailles; that I shall there meet with relations whom I have not seen for a long time, as well as friends and fellow citizens; and anticipating much satisfaction from sharing with those whom you have also invited, an entertainment tendered by some of my earliest and steadiest friends, I have the honor to accept the invitation and will attend, unless prevented by some unexpected occurrence.

I am, gentlemen, with great respect, your friend and obedient servant, H. CLAY.

Samuel M. Wallace, and others, committee.

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The 4th of July was celebrated by the democratic party in Philadelphia, by a public dinner, &c. In reply to an invitation to join in the celebration there, the president of the United States sent the following sentiment:

"*The constitution of the United States*—What it does not authorise is forbidden to those who act under it. A constitutional right to apply, and a necessity for such application, are the true sources and limits of the power to tax. When the taxes produce more money than can be rightfully applied, the appropriate remedy is reduction or repeal. To continue a tax without necessity, and for the sake of distribution, is to subvert the principles of the constitution, and must end in destroying the liberties of the people.

Mr. Woodbury sent the following, in reply to a similar invitation.

The cause of democracy—The greatest good to the greatest number.

The following was also received from Mr. Kendall, postmaster general.

The new bank of the United States—The monstrous off-spring of an unnatural connection, it walks abroad with a lie on its forehead. If palpable wrongs can be made vested rights by

corrupt legislation, what security have the people for any right they possess?

The "republicans" of Sullivan county, N. H. had a celebration on the 4th at Newport, at which the governor was invited to be present, but being unable to attend, he sent the following toast.

By Isaac Hill—The best governmental protection and encouragement to the American people—No taxation beyond the wants of the most economical administration—no principle of distribution acknowledged which shall induce to a treasury surplus—a substantial constitutional currency established, taking the place of that system of inflated credits which tempts to speculation only to destroy confidence and ends in bankruptcy.

MR. VAN BUREN'S OPINIONS.

From the N. Y. Evening Post.

The following letters have been sent us for publication:

New York, 13th June, 1836.

To Martin Van Buren, vice president of the United States:

SIR: Pursuant to the instructions of a general convention of the democratic party of the city and county of New York, in favor of equal rights, and opposed to all monopolies, we submit to your consideration, as the candidate of the Baltimore convention for the office of president of the United States, the following "declaration of principles," for the purpose of receiving an expression of your views in relation to them.

1st. The true foundation of republican government is the *equal rights* of every citizen, in his person and property, and in their management.

2d. The rightful power of all legislation is to declare and enforce our *natural rights and duties*, and to take *none of them from us.* No man has a *natural right to commit aggressions* on the *equal* rights of another; and this is ALL from which the law ought to restrain him. Every man is under the natural duty of contributing to the necessities of society, and this is all the law should enforce on him. When the laws have declared and enforced all this, they have fulfilled their instructions."

3d. "That the idea is quite unfounded that on entering into society, we give up any natural right."

4th. "Unqualified and uncompromising hostility to bank notes and paper money as a circulating medium, because gold and silver is the only safe and constitutional currency."

5th. Hostility to any and all monopolies by legislation, because they are a violation of the equal rights of the people.

6th. Hostility to the dangerous and unconstitutional creation of vested rights by legislation, because they are a usurpation of the people's sovereign rights. And we hold that all laws or acts of incorporation passed by one legislature can be rightfully altered or repealed by their successors.

Whilst we express individually the greatest respect and esteem, it gives us pleasure to acknowledge the exalted opinion entertained of your career as a statesman, and the pride with which you are claimed as a citizen of the state of New York by those whom the convention have the honor to represent.

ALEXANDER F. VACHE,
STEPHEN HASBROUCK,
ALEX. MING, Jr.
E. W. GRAHAM,
M. JAQUES.

Washington, July 6th.

Gentlemen: I have had the honor to receive your letter, with an accompanying "declaration of principles," adopted by a "general convention of the democratic party of the city and county of New York, in favor of equal rights, and opposed to all monopolies," and return you my sincere thanks for this mark of your respect. In the great principle with which you set out, viz: "that the true foundation of republican government is the equal rights of every citizen in his person and property, and their management," I fully concur, and honor and respect all temperate and well directed efforts to protect and enforce it. *For my views in regard to other propositions contained in the declaration, and especially to those which relate to the subjects of banks, paper money, specie currency and monopolies, you must allow me to refer you to a public course of no inconsiderable duration in the state and federal government, and to a succession of public declarations heretofore made by me. On some of the latter subjects I shall also have an occasion for a further public expression of my opinions in reply to a call made upon me before the receipt of your letter.* To these acts and expressions I respectfully invite your candid consideration, and if they should be found to bring my principles sufficiently near to those you espouse to entitle me to your confidence, I shall be proud of possessing it.

Accept, gentlemen, my thanks for the kind expressions contained in your letter, and believe me to be, very respectfully, your obedient servant, M. VAN BUREN.

To Alex. M. Vache, M. Jaques, Stephen Hasbrouck, Alex. Ming, jun. and E. W. Graham.

WILL OF THE LATE JOHN B. YATES,

OF MADISON COUNTY, NEW YORK.

The late John B. Yates died possessed of a princely fortune. "A large estate," says the Albany Argus, "between *three and four hundred thousand dollars*, over and above a very ample support for his widow, and other legacies, he has set apart for the purposes of literature and science. He has shown, in his dying moments, his regard for the morality, happiness and character of his country. Indeed, this was his 'master passion, strong in death,' and posterity will enrol his name among its noblest benefactors. During his life, he evinced the same unceasing solicitude for the general good. At his own expense he established the Polytechny school at Chittenango, which was ably conducted, and continued in successful operation for ten years. His financial operations and unremitting exertions, in connexion with his partners, raised Union college from a state of comparative insolvency to that of opulence and distinction. He conveys all his property to Mrs. Yates, his widow, Charles Yates, William K. Fuller and George K. Fuller, *in trust;* and after providing for certain bequests, he directs as follows:

Extract from the will of the late John B. Yates, esq.

"I direct farther that my said trustees apply the remainder of my property, my real and personal estate, if any there shall be, to the endowment and support of a school embracing literary instruction, combined with the pursuits of real life of every practical description. The institution to be called the *Polytechny*, upon the plan as near as may be, laid down in the memorial presented by me to the legislature of the state of New York, and the report of a committee and draft of a law founded thereon, during the session of the year 1830. If after winding up my affairs, it shall be ascertained that there are funds sufficient left to commence and found such institution, I then wish my trustees aforesaid to petition the legislature of this state to accept this devise for the object named, to confirm its permanency by a legislative act, and make the necessary arrangement for its uniform and steady government by the appointment of a governor or director, who shall not be liable to removal by the fluctuations of party or the miserable *charlatanry* of political jugglers.

"If such a law, to the satisfaction of my said trustees, cannot be obtained in this state, I then direct that as soon as may be, without incurring unnecessary loss, my whole estate left after the legacies and devices be disposed of, on the terms and in the manner that shall be thought most advantageous, and as it shall from time to time be disposed of or sold in such portions as may be offered at the various times and the money received therefor, that the same be invested until the sum of one hundred thousand dollars be funded, and they are requested in that event to form such an institution in any state which a majority of them please to select, which is willing to give the proper irrevocable legal guaranty for its permanency, and appropriate not less than one thousand acres of land for the purpose. The income only of the one hundred thousand dollars to be applied in this last case to the support of the institution, and the principal to be transferred to the state and kept by it invested for a school of this description. If afterwards a greater residuary sum than this shall be realized, I then direct that the balance, not exceeding 100,000 dollars, be offered on the same terms to another state, and if more be left, that the same course be pursued with the balance and a third state, and so on until the whole residuary estate be thus applied and absorbed in amounts not exceeding as above $100,000 to each.

"Having ascertained with certainty to my own mind, that almost all political men of all parties are more particularly anxious for personal aggrandizement than any permanent arrangements by which the general standard of popular information may be raised, and thus greater stability be given to the political institutions of our country, I am apprehensive of the same secret opposition which I have experienced and which I know exists to every project of the sort. It is therefore my wish that a printing press, and weekly paper at least, devoted to the purpose of advocating the diffusion of literary information among all classes of people, be established, connected with the institution, and printing and book binding in all its branches, form a branch of the mechanical occupation of a portion of the students in the institution. It also is my will that a professorship of law be established, and that every student be made familiar with the constitution of the United States and each state in the union, at as early an age as possible, and to be connected throughout with the moral and religious instructions of the institution. Being also firmly persuaded that the safety of society and its proper moral government cannot be sustained without a high regard for the present legal domestic relations of life, it is therefore my wish, that no illegitimate child shall be admitted into the institutions whose parents shall not have legally intermarried, either before or after the birth of the child, and that such prohibition be made a fundamental law of each institution which may be established under this will. If my life shall not be spared to settle my estate myself, and ascertain its value, so as to know accurately what may be left for this purpose, and also enable me to form a more full and detailed plan for the government and management of the institutions, and the specific appropriations for each object, which from the uncertainty of the amount I cannot now do, I leave the manner and extent of the arrangements to the sound discretion of my said trustees, in conjunction with my friends John Savage, chief justice of the state, John Van Ness Yates, of Albany, and John C. Spencer, of Canandaigua, whom I solicit to aid my trustees by their counsel and advice in organizing and establishing the said institutions."

WALLED BANKS OF THE SABLE.

From the Rochester Intelligencer.

If my reader has ever sailed through the length of Lake Champlain in either of the admirable steamboats which daily

ply between St. Johns and Whitehall, he cannot fail to have been delighted with the extraordinary beauty of each shore; but may very possibly have failed to learn that he should quit the steamboat at Port Kent, a small village in Essex county, New York, opposite Burlington, for a view which would pay one for a voyage across the Atlantic.

Four miles north westwardly from Port Kent is the village of Birmingham, through which flows the Au Sable river, forming here a most beautiful cascade of 70 feet fall. About half a mile from Birmingham, in the bosom of a deep forest, is the wonder of which I have been speaking. It consists in the perpendicular banks of the river which rise like walls on each side of the stream to the height of two hundred feet. The river, which at Birmingham may be thirty yards across, is here narrowed to the breadth of twenty feet, and rushes furiously along at the bottom of this enormous chasm. To stand on the bank and listen to the torrent dashing and foaming along its narrow way is terrific. There are several lateral fissures branching from the channel, as deep as the chasm itself, and so narrow that you may step across. One of these affords the only access to the bottom of this magnificent passage. You enter at the extremity and pass down a narrow way which admits but one person at a time, until descending partly by a rude ladder, you reach a sort of "table rock," nearly on a level with the water. Here you first become sensible of the great depth of the chasm. You look up with astonishment at the almost endless height of the walls which enclose you; and you are filled with admiration at seeing the regularity and symmetry which art can never surpass, combined with vastness which it may not dream of emulating. The walls of this specimen of nature's masonry, are as accurately perpendicular as the chisel and plumb could have made them, and the numerous strata are laid with faultless regularity and exactness. Adjacent to the table rock of which I have spoken, is an angle of wall remarkable for being protected by a round column of mountainous size and two hundred feet high.

The whole length of this extraordinary rock passage is nearly a mile. The walls are highest at the place of descent, but in no place is their height less than one hundred feet, except perhaps at the extremities. My reader is assured that should he ever visit the wall banks of the Au Sable, he will view a scene of rare and wonderful interest, scarcely inferior, in the opinion of many, to Niagara itself. VIATOR.

IMPORTANT LAW CASES.

Transportation of the U. S. mail on a turnpike road.

A case was recently decided in the Fayette circuit court of Kentucky, which, as it involved points of general interest, deserves to be noticed. It was brought before the court on the petition of M. W. Dickey, a contractor for the transportation of the U. S. mail to and from Lexington and Maysville, who prayed for a mandamus directing the Maysville and Lexington turnpike company to open their gates and permit the mails to pass the same free of toll. The grounds on which Dickey based his claim are thus stated by the judge:

"The petitioner suggest that there is established from the city of Lexington, to the city of Maysville, a post road for the carriage of the mail of the United States—that on said road are established at various points, post offices; that on the route leading from the one point to the other by the way of the various post offices, there is no road except the turnpike road, known commonly as the Maysville, Washington, Paris and Lexington turnpike—that said turnpike, to a great extent, runs over the same ground over which has passed a public road for a great length of time, to wit: for thirty years, last past, and during all which time, the United States mail has been regularly and freely transported on said road, from Lexington to Maysville aforesaid, until the construction of said turnpike—that the petitioner has contracted with the government of the United States to transport or carry the mail daily in stages, from Lexington to Maysville, and from Maysville to Lexington, by the various post offices on said road—that the president and directors of said turnpike road company, have on said road in the county of Fayette by their agents, stopped and threatened to continue to obstruct the passage of said mail unless the petitioner will pay them sundry heavy tolls and illegal exactions on the carriage and horses in which the mail is carried—that they by charging toll on the mail stage, both as a carriage of pleasure and a carriage of burden, collect double tolls on the mail stage, whereas it should rightfully pass free of toll. By which illegal exactions the said company have extorted and continued daily to extort from the petitioner, large sums of money. He prays a mandamus to said corporation, to open their gates and permit the United States mail to pass the same free of toll."

The turnpike company, regularly incorporated under a general law of Kentucky, admitted the facts stated in the petition, including that of their refusal to permit the mail to pass over their road without payment of the tolls allowed them by their charter. In the discussion of the case, the court decided in the first place that it had jurisdiction over it, and it then proceeded to consider the main question—"has the petitioner a right by the law of the land, as a carrier of the mail in the employment of the postmaster general of the United States, to pass upon said turnpike road, free of toll." The various points involved in the consideration of this question were discussed at length, and, to our apprehension, with great clearness, and the decision of the court was that the petitioner had not the right which he claimed, and consequently that his petition be overruled. [*Balt. Amer.*

Liability of turnpike corporations. The Springfield (Massachusetts) Gazette publishes a case which was lately decided before the supreme court, while in session in that town, which is interesting to the public in general.

Yale vs. *Hampden and Berkshire turnpike corporation.* This was an action to recover damage for an injury done to the plaintiff's horse in passing over the road belonging to the defendants. The defendants' counsel rested the defence on the alleged fact, that it was through no fault or negligence of the turnpike corporation that the accident happened, and offered evidence to show this—but the court rejected the evidence, and ruled that turnpike corporations are *liable at all events* for accidents happening through any defect in their roads—that in every case they guarantee to the traveller, on his paying the toll, a safe passage over the turnpike, so far as the road itself is concerned. In the common pleas, judge Cummins, on this point, gave a different decision, ruling in favor of the defendants. A verdict was taken for the plaintiff, damage $90, subject to the opinion of the full court on the above point. Leonard for plaintiff—Knox and Chapman for defendants.

Towns, too, should take heed, and mend their ways. Another paper gives an account of a case tried at Northampton, in which Seth Williams recovered $400, in an action against the town of Cummington, for an injury sustained in consequence of his team and loaded wagon running off the highway and bridge, two miles west of the village in a dark night. [*Sentinel of Freedom.*

Slave case. In the district court of the United States, for the western district of Pennsylvania, held at Pittsburgh before judge Irwin, two cases of interest have lately been decided.

Baylor et. al. *vs.* Elijah Heath, J. N. Steadman, esq. and A. Pearsoll—and Stephen Dalgarn *vs.* the same defendants. The plaintiffs were citizens of Virginia and the defendants of Pennsylvania. The plaintiffs were owners of two negro slaves, who absconded and came to Venango county in this state, where they were arrested, and after a judicial investigation, handed over to their owners. On their way home through Brookville, Jefferson county, on the evening of Sunday, the 14th Sept. 1835, the negroes were placed in the jail for the night. A large and excited crowd collected, the defendants being among them and leaders of the multitude.

A singular contrivance for their liberation was devised. A sham prosecution against the masters for travelling on Sunday was held before *Steedman*, who is a justice of the peace. *Brady* for the prosecution and *Prime* for the defendants, were to make their speeches as long as possible, so as to afford the slaves time to escape beyond the reach of their owners. The whole contrivance seems to have been carried into effect, and the negroes, although pursued by their masters for several days, were never retaken. Verdict for the plaintiffs in both cases. Damages in the first $600. In the second $840. Motions for new trials were refused by the court.

NORTH CAROLINA GOLD MINES.

The following statement from the Rutherford (N. C.) Gazette, would seem to remove the impression pretty effectually, that the southern gold mines are becoming exhausted:—

BECHTLER'S GOLD COIN.—Mr. Bechtler has politely furnished us with the subjoined statement of money coined by him from the 18th of January, 1834, to the 12th December, 1836, together with the amount of gold fluxed during the same period. Most of the gold was taken from the mines in Rutherford and Burke counties, although much of it is stamped Georgia gold.

It will be seen that the subjoined statement extends no later down than 12th December, 1835. Since that time, instead of being a falling off, there has been an increase of business. We paid him a visit on last Saturday, when he had just polished off the last $3,000 for a day's work. Mr. B. has promised to furnish us with a statement of the amount coined and fluxed since that period, at as early a date as possible.

Statement of the amount of gold coined and fluxed by Christopher Bechtler, near Rutherford, N. C.

Amount coined in $5, $2½ and $1 pieces, from the 18th January, 1834, to 22d December 1834	$109,732 50
Amount coined in $5, $2½ and $1 pieces, from the 22d December, 1834, to the 12th December, 1835	695,895 00
Total	$805,627 50
Number of dwts. fluxed from the 22d December, 1834, to the 12th December, 1835	711,533½
Number of dwts. fluxed from the 18th January, 1834, to the 22d December, 1834	395,804
Total	$1,107,387½

These statements prove the immense extent of the mining interest in this section of the state. We do not know to what proportion this forms to the amount collected from the mines, perhaps a half, perhaps not one-fifth. Yet mining has not fairly commenced with us. Deposite mining is more profitable than ever, and vein mining, though it has been but barely tested, is yet sufficiently so to induce several large capitalists to embark in the experiment extensively.

NILES' WEEKLY REGISTER.

FOURTH SERIES. No. 24—VOL. XIV.] BALTIMORE, AUG. 13, 1836. [VOL. L. WHOLE No. 1,299

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

We publish the particulars of an attack upon an abolition printing office in Cincinnati on the night of the 30th ult. They evince a settled determination on the part of the people of that city not to tolerate incendiary attempts to excite the fears of sister states, but they have taken a direction hardly less censurable than the course pursued by the abolitionists themselves—and besides, have given the fanatics new ground on which to stand. For persecution begets sympathy—and the tears of sympathy blind the eyes of truth. The frailties of martyrs are not recorded—their sufferings alone are emblazoned. Thus with the fanatic abolitionists: the evils they would meet to others are lost sight of in the personal injury received—though the consequence of their acts is infinitely greater than their present sufferings. Brute force is not a missive of truth—and the enemies of immediate abolition will only add strength to the cause they oppose by using it. Let it be opposed by reason and justice—by the barriers which the constitution has thrown around the question, and by genuine love for our brethren of the confederacy, and its advocates will soon sink into the contempt they merit.

—

MEXICO AND TEXAS. According to the Charleston Courier of the 5th instant, late accounts render it probable that the Mexicans will not attempt another campaign against the Texians, until the fall. The United States sloop of war *Warren* and schooner *Grampus* had arrived at Tampico, and the Mexican government, through the new commandant, had apologized for the insult offered the American flag and the officers of the *Jefferson*. Gomez, the commandant who gave the insult, had been removed. The movements in Mexico against centralism, and to restore the constitution of 1824, are increasing in importance, and there is a disposition to remove all the high functionaries friendly to Santa Ana. A forced loan of 2,000,000 had been declared in the city of Mexico, against which the English and French ministers had protested, calling on foreigners not to contribute. Later accounts from Vera Cruz represent Santa Ana's party as out of power, the federal party as succeeding every where, with little bloodshed, and as indisposed to prosecute the Texian war. Houston had not yet joined the Texian army, and was not likely to do so. He was said to be as his residence near Nacogdoches. Lamar, the new Texian commander, possessed the entire confidence of both the army and the cabinet.

The treaty entered into between Santa Ana and gen. Houston reached Mexico in the latter part of June, and was immediately laid before congress; no definite arrangement had been entered into at the last advices.

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A FAILURE! Great excitement has been created in Buffalo, N. Y. and its vicinity by the failure of Benj. Rathbun, one of the greatest speculators and business-men in that region of enterprise. Rathbun was an extensive property holder, owned a number of stores and employed twelve hundred workmen and three hundred teams—and was engaged in the erection of a large number of buildings and a splendid exchange at Buffalo, and a large hotel at Niagara falls. His liabilities are estimated at nearly $3,000,000, and his property at $2,600,000. But the most extraordinary fact developed is, that, of the vast amount due by him, upwards of $1,500,000 is of paper with forged endorsements, which has been *shaved* at ruinous rates. To meet his liabilities Rathbun has assigned his property to five trustees, viz: Hiram Pratt, Lewis F. Allen, Joseph Clary, Thomas C. Love and Millard Fillimore, who have given notice to that effect, and directed all persons in the employ of, or indebted to, the insolvent to make payment to them, &c.

Among those who are to be first paid, (after defraying the charges of executing the trust), are "the clerks, mechanics and daily laborers in his employ at Buffalo and Niagara Falls, the amounts that may be due to them respectively," and also "all persons residing in Buffalo, or in the counties of Erie, Niagara and Chautauque, to whom he was indebted for building materials, horses or other personal property purchased for the purpose of carrying on his business operations, such sums as he was indebted to them therefor;" with a numerous list of confidential creditors named in the trust deed.

On the 4th inst. the hands employed by Mr. Rathbun in his various establishments—amounting to upward of 1,200—held a meeting for the purpose of adopting such measures as might be deemed most advisable to secure the payment of the amounts due them. They were addressed by the assignees, and informed of the course intended to be pursued toward them, and full assurance given them that they would ultimately be paid. With these explanations and assurances the hands were fully satisfied, and the meeting was adjourned without farther action.

On the 3d inst. Lyman Rathbun, the brother of Benjamin, was arrested on the charge of forgery, and on the 4th Benjamin was arrested on the same charge; both were fully committed for trial. A clerk, who was suspected, has fled.

It is rumored that several banks will suffer severely by this extraordinary event, and it is certain that it will fall heavily upon individuals. But the recuperative energies of Buffalo will soon overcome the shock she has received, and the "*speculations*" of Rathbun be only remembered as a caution for the future.

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FROM FLORIDA The Indians have destroyed the light house at Cape Florida, and killed a negro man. The keeper made a most miraculous escape by ascending the light house and holding on the lightning rod while the building was burning, the Indians firing at him while in that position, and wounding him in the foot. A revenue cutter hove in sight at the time, when the Indians made off, and he escaped with his life. Nothing of importance had transpired in the vicinity of the military stations in the interior.

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THE CREEK WAR. By an arrival at Baltimore the editors of the American have received Charleston papers of a late date. Accounts from Fort Mitchell had been received there up to Saturday, 30th ult. which communicated no news of any importance. Slight skirmishes continued to take place almost daily between the Indians and the troops, on the Georgia side, but they produced no important results. Gen. Jesup's head quarters were at Tuskeegee.

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REVOLT OF NEGROES AT HAVANA. The Providence Courier contains an extract of a letter from Havana of July 19th, which says—

"Yesterday afternoon there was a revolt among the negroes outside of the wall. They fired a wax manufactory and killed a corporal of the army. They were attacked by the cavalry and soon put to flight—6 negroes being killed and 10 taken prisoners, who will be garroted in a few days. A skirmish also took place between six highway robbers and a party of soldiers, about 20 miles from this city, which resulted in the capture of 4 of the robbers. One soldier was badly wounded. The prisoners were brought here and will be served the same as the negroes.

"The weather is very hot, and there is much sickness; business is entirely paralyzed, and there is nothing doing."

—

NEW ORLEANS, was exempt from disease at the last accounts, and there were no *premonitory symptoms* that occasioned alarm. The Bulletin states that since the almost depopulating epidemic of 1833, the bills of mor-

tality show as few deaths, in proportion to the resident population, as any other of the large cities of the union. This improvement in the health of the city is attributed to the clearing of the country and the reclaiming of swamps in the vicinity, and the introduction of a more rigid sanitary police.

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United States bank. A very large and respectable meeting of the planters, merchants and other citizens of Charleston, S. C. was held in that city on Thursday, the 28th ult. in pursuance of public notice, to take into consideration the propriety of the establishment of an agency of the United States bank of Pennsylvania in the city of Charleston. After the meeting was organized, Mr. Robinson offered a series of resolntions expressing surprise and regret at the effort recently made by some of the citizens of Charleston, to procure such agency in that city, and declaring that the measure should be deemed nothing more nor less than "an effort to plant in the state of South Carolina, under the seductive appellation of an exchange agency, a branch of the said bank, called the bank of the United States, totally irresponsible in its corporate capacity to our laws, and enjoying in effect the highest financial privileges, without the payment of one cent in the way of bonus, to the treasury of our own state."

The resolutions also provided for the appointment of a committee to memorialize the legislature, with a view to subjecting the said agency to prohibitory taxation, in case such agency should be established there. After an address from gen. Hamilton, in support of the resolutions, they were unanimously adopted, and ordered to be published in the several papers of that city.

[*Charleston paper.*

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Naval. The United States ship Peacock capt. E. P. Kennedy, was, according to the New York Courier and Enquirer, at Batavia on the 16th of February last. She sailed from the United States on the 12th of July, 1835, and crossing the south Atlantic ocean, doubled the cape of Good Hope, and ran through the Mozambique channel to the island of Zanzibar, where she anchored on the 2d of September. On the 8th she again sailed. On the 21st got ashore in the Gulf of Mazeira and got off again on the 25th. On the 29th anchored at Muscat, and sailed for Bombay on the 10th October, where she arrived on the 24th; there she found the United States schooner Enterpize, capt. A. S. Campbell. On the 26th, the ship was received into dry dock and damages repaired. On the 4th December she got under weigh, and steering along in sight of the coasts of Hindostan, doubled round cape Comorin; and on the 15th anchored in the roads of Colombo, island of Ceylon. On the 24th sailed from there and crossing the equator for the third time since leaving the United States, passing through the straits of Sunda on 11th January, and anchored at Batavia on the 12th. She was to sail from there on the 17th February, supposed for Siam.

The American squadron under com. Elliot, composed of the frigates Constitution and Potomac, corvette John Adams, and schooner Shark, arrived at Leghorn from Genoa on the 17th June.

—

Joseph Bonaparte and family recently left the U. States, with an intention of remaining in Europe. The cause of his removal has not been stated, but the following, from a Havre paper of the 16th ult. is calculated to throw some light on the subject.

"The beautiful estate of Prangin, in the Canton de Vaud, to which Joseph Bonaparte retired in 1814, has lately become the subject of litigation in the courts of justice. When the count de Survilliers resolved on quitting Europe, he sold Prangin to Madame Gentil de Chavanac, who, in making the purchase, intended to cut it up like Malmaison, and sell it in detail. Disappointed, however, in her expectations of profit, she authorised a Mr. Hartman to dispose of it as a whole, engaging to allow him 3,000 francs of commission, if the price should not amount to 830,000 francs, and if it exceeded that sum to abandon to him the whole of the surplus. Two months were allowed him to effect the sale, but before the lapse of that period, the lady had found a purchaser herself, on which Mr. Hartman sued her for 20,000 francs of damages, but has been defeated, in consequence of a saving clause in her contract with the purchaser. Such is the uncertainty of human affairs, that the estate of Prangin, the princely retreat of a fallen sovereign, is now the property and the place of residence of a watchmaker of Geneva, Mr. Junod, who in 1814 was a common beggar."

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Lucien Bonaparte. The London Metropolitan for July informs us that prince Lucien Bonaparte's memoirs are now in the press at London and Paris. As the entire manuscript is completed, and in the hands of Messrs. Saunders & Otley, whom the prince has appointed his pulishers in England, France and America, no delay in the progress of the work will take place, beyond that which may be required for preparing the several editions.

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Canal tolls. The tolls collected on the New York canals from the 15th to the 31st of July, 17 days, amount to the sum of $108,608 73. The whole collections for July amount to $194,010 95, being $33,013 04 more than the collections for July of last year.

From the 22d to the 31st of July, 10 days, there was collected for tolls at Buffalo, the sum of $13,573 87, being twice the amonnt collected for the corresponding ten days in 1835. The whole amount of tolls received at

Buffalo for July, was		$29,075 73
At Rochester for the same time		23,637 87
Albany		33,118 75
Troy		13,239 26
Oswego, Erie tolls	5,697 67	
Oswego	1,929 79	
		7,627 46

The tolls received on the Erie canal alone, for July, amount to the sum of $171,847 05
In Jnly, 1835, they amounted to 140,553 52

Increase $31,293 53

The principal part of this increase has been at the following offices, viz:

Buffalo	$9,916 61
Albany	6,330 74
Rochester	7,624 21
Montezuma	4,738 08
Utica	992 38
	$29,602 02

The principal part of the increase in July is from the tolls on produce from the far west, and on merchandise for that region. [*Albany Argus.*

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New York. The dinner given on the 4th of July by the corporation of New York cost the city $2,758 50, being $758 50 more than was appropriated. The bills were, however, ordered to be paid, only two members voting in the negative. The following are the items:

Welsh, for dinner,	1,800 00
Various bell ringers,	74 00
P. W. Engs, for wine,	581 00
Waiters,	18 00
Music,	65 00
Childs & Hevoe, printing,	67 00
Powder, &c.	87 00
Police officers, &c.	66 50
	$2,758 50

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Michigan. The Detroit Daily Advertiser of July 27, contains the following notice of the proceedings of the legislature of Michigan:

"The act to provide for the election of delegates to a convention, has been passed and approved. It was determined, after full argument, to withhold from the people the right of giving a direct vote on the boundary question. This right of the people was resisted by that portion of the members who are known as "the Norvell section." They are a majority in both houses. The people will be likely to eject them at the next election. They were unwilling to trust the people. It is therefore just and reasonable that the people should not trust them."

A state convention is to meet on the fourth Monday of September, at the village of Ann Arbor, to decide upon

the question of accepting the terms fixed by congress for the admission of the territory into the union. It will consist of 50 members, of which Wayne is to send 8; Monroe 4; Washtenaw and Livingston 7; Oakland 6; Macomb 3; Lenawee 4; St. Joseph, Cass and Kalmazoo, each 2; Saginaw, Genesee and Skiawassee 1; Ottawa, Kent, Ionia and Clinton 1; Allegan and Barry 1; St. Clair, Berrien, Calhoun, Jackson, Branch, Hillsdale, Lapeer, Michilimackinac and Chippewa, each 1.

—

Mr. Clay. The Messrs. *Leary*, hat manufacturers at Louisville, Kentucky, lately presented Mr. Clay with an elegant new hat, as a small tribute of their respect for him, and as a specimen of western manufacture. The Louisville Journal says, "it is indeed an admirable specimen of workmanship—the finest we ever saw." To their letter accompanying the hat, Mr. Clay returned the following answer:

Ashland, July 19, 1836.

Gentlemen: I have received your obliging letter of the 15th instant, with the drab beaver hat which you have done me the favor to present to me. It fits me exactly, appears to be of excellent material and workmanship, and comes very seasonably, as I happened to be in want of such an article. I thank you cordially for it.

I feel, too, gentlemen, very grateful for the sentiments with which you have done me the honor to accompany this acceptable present. In looking back upon my past public career, no part of it affords me more satisfaction than my humble endeavors to place the manufactures of our country upon a sold foundation. To that policy we are mainly indebted for the general welfare of the whole union. It has paid the public debt, accumulated a vast surplus in the public treasury, secured to labor its just reward, and given to the grain growing states a degree of prosperity scarcely surpassed by that of the planting states themselves, I sincerely believe, greatly benefited by that policy. It has done more; it has laid the real independence of our country upon broad and deep foundations; for political speculators may say what they will about the exchanges of foreign commerce, that nation is most independent, happy and prosperous, which makes within itself most of the supplies necessary to human comfort and subsistence.

That you, gentlemen, may long share in the common prosperity of our country, is the fervent wish of your friend and obedient servant, H. Clay.

Messrs. P. & C. L. L. Leary.

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Something for the curious. In the great valley, between the north and south mountains in Pennsylvania, commonly called the Eastern ridges, a well was dug some years since in Franklin county, and another in Cumberland county, thirty or forty miles from the former, which led to a discovery affording a subject for interesting speculation. After proceeding in each instance to the depth of about thirty-six feet, the bottom of these wells suddenly gave way, but fortunately when the workmen had retired, and a torrent of water gushed up. A lead with 50 fathoms of line was sunk without finding the least obstruction! They remain at this time untouched and of unknown depth! The presumption is, that there is a subterranean lake in that quarter, and how it extends under the base of the vast primitive mountains, situated between the Susquehannah and Pittsburgh, will never be ascertained, unless by some terrible convulsion of nature, it should be precipitated in the tremendous abyss. [*Alleghany Magazine.*

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An Incident. A party of ten persons of both sexes, were crossing the Hudson from Saugerties to Tivoli in a little boat rowed by two of the party. As they reached the middle of the river, a large sturgeon sprang from the water in front of them and threw his huge length into the bottom of the boat, passing directly between the feet of the two gentlemen who sat foremost, and laying himself exactly in the middle under the seats. Great was the surprise and confusion; but one of the gentlemen immediately caught the floundering fish by the tail, and tied it fast with the boat's painter. The creature in the mean time uttered the most plaintiff sounds, moaning with a noise much like that of a cow. It was taken to Tivoli, where it was found to measure eight feet and a half in length and to weigh one hundred and fifty pounds. It was then cut up and given to the workmen of a foundry on the eastern bank of the river, who made an excellent supper on this Albany beef. If the sturgeon had thrown himself on one side of the heavily loaded boat, it would have been overset, or if he had darted among the women and children who sat in the hinder part of the boat, and one of whom was an infant, there is no knowing what might have happened.

[*N. Y. Evening Post.*

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Swan river. Yesterday letters and papers were received from the new settlement on the Swan river to the late date of 23d January. The advices are very favorable. The colonists were advancing in prosperity much more rapidly than was anticipated at the commencement of last year. The number of acres of land under cultivation at the close of 1834 was 900 acres, but at the commencement of the present year 1,500 acres were in cultivation. The harvest, it was expected, would be abundant, and shipments of grain were about being made to New South Whales and Van Diemen's Land. In the last year 27 merchant vessels had arrived at the colony, only a few of which, however, were British. The first American vessel that had visited the colony had come in shortly before the advices left. Money continued scarce among the colonists, and the supply of goods had been so abundant that portions had been reshipped to the River Plate. The natives were very friendly, and many of them were employed by the colonists as messengers to different parts of the colony. The flocks of cattle and sheep had much increased. In the population, also, there had been a marked increase. The governor had given a ball just before the accounts left, which was attended by upwards of sixty of the principal colonists, and in a style, (observes one of the letters), "which brought to our recollection similar entertainments in Old England. The colony is in a thriving state."

[*English paper.*

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Flour. For the five days preceding the 15th ult. there were shipped from Cleaveland for the New York market, *fourteen thousand barrels of flour*, and twenty thousand barrels of wheat.

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Mr. James W. Waples, engineer on board of the steam boat Wilmington, capt. Black, plying between Philadelphia and Wilmington, has invented and put in successful operation a "spark catcher," that is better calculated for steam boats than any thing of the kind we have ever examined. It is also adapted to locomotive engines, and from its appearance is less costly than others we have seen. [*New Castle paper.*

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An importation of water melons was made a few weeks ago from Havana into New Orleans, from whence portions were sent up the Mississippi, and sold at five dollars per pair.

ITEMS.

Revenue of Boston. The revenue that accrued in Boston during the last month was $512,300. The amount accrued during the same time last year, was $363,000; increase $129,200.

Smelting of iron. We learn from the Pottsville, (Pa.) Journal that Dr. Geisenheimer has succeeded at the Valley Furnace, in smelting iron with anthracite coal. The cinder flowed freely and the iron was entirely free from coal.

The prince of Orange is said to have insisted vigorously on frugality and hardiness in the education and bringing up of his sons. When the king of Holland held his court at Brussels the only food the prince allowed them was cold beef and vegetables; they slept on a hard mattress on the floor with no other covering than a sheet and coverlid, even in winter, and were not allowed the luxury of gloves even in the most inclement weather.

Shocking accident. Eighteen persons were injured and several killed at Greenville, Pitt county, N. C. by the explosion of a cannon which had been filled with brickbats, rammed down upon the cartridge, and fired in honor of a political triumph!

Gold coinage. Amount coined at the mint within the month of July last (of which $110,297 in quarter eagles), $220,102.

Postmaster general. The Globe of the 5th inst. says, that the health of some of the postmaster general's family has made it necessary for him to leave the city. His duties will be discharged in his absence by S. R. Hobbie, esq. first assistant postmaster general, in conformity with the following section in the

ate act to change the organization of the post office department, viz:

"Sec. 40. And be further enacted, That in case of the death, resignation or absence of the postmaster general, all his powers and duties shall devolve, for the time being, on the first assistant postmaster general."

Resignation of the chief justice of New York. The Albany Evening Journal intimates that chief justice Savage will shortly resign his seat on the bench of the supreme court. The causes of his resignation are said to be entirely of a domestic nature.—"For fourteen years," says the Journal, "he has discharged the duties of this high office, in a manner which will cause his unexpected and premature withdrawal to be felt as a public calamity. He will retire from the bench where a Kent and a Spencer preceded him, leaving its high reputation undiminished—the purity of its ermine untarnished. [*N. Y. Commercial.*

Emigrants. There arrived at Quebec on the 18th to the 28th of June, 3,084 emigrants, of which 2,000 were from Ireland, 1,024 from England, 44 from Scotland, and 6 from the lower ports.—Including these, there have already arrived, 16,027 persons, being an increase of 9,376 in the number of emigrants to the same date last year.

Toledo, the famous scene of the recent hostilities between our sister states of Ohio and Michigan, is said to contain a population of 2,000 inhabitants—six hotels thronged with visiters, 7 warehouses, and 12 to 20 steamboats arriving and departing daily.

Beet root sugar. It appears that the manufacture of beet root sugar is taking a wide extension, not only in France, but in Germany. A traveller who has lately made a tour in that country, states that from Poland to the Rhine, nothing is to be seen but preparations for the culture of the root and the establishment of manufactories. This branch of industry haa also excited attention in the states of the king of Sardina, as the Royal Academic society of Savoy has just proposed a prize of 600 francs for the best memoir on the resources for the manufacture of sugar from beet root possessed by Savoy, and the advantages that may result from it.

New York. Jesse Buel, of Albany, and Gamaliel H. Barstow, of Tioga, are the whig candidates for governor and lieut. governor of this state.

The New York Star states that three or four hundred thousand dollars have been taken from that city to send to the west to purchase public lands!

Mexico. Of her whole population, estimated at the present time to be about eight millions, not more than one-fourth, of so large a portion, consists of unmixed whites of European blood called *Creoles.* What are called *Mestizoes,* of mixed Spanish and Indian blood, constitute another fourth. There are several hundred thousand *Zambos,* or those of Indian and African descent; about one hundred thousand negroes; and the remainder, nearly one-half of the entire population, are native Indians. [*Baltimore American.*

Dayton, Ohio. The Dayton Journal states that thirty-seven acres, east of the canal at that place, had lately been sold at the rate of $700 per acre—and would be immediately laid off into building lots.

Fire in the woods. The woods in some parts of Lower Canada have been on fire. An article dated Sherbrooke, July 23d, mentions that the Drummondville woods had been on fire for the last ten days, and that great injury had been done to the crops. The progress of the flames had been fierce and rapid, and some of the inhabitants who were nearly surrounded by fire, were in a state of great alarm for their fences and buildings. There had also been fires in the woods between Cliff's Inn and Mesiskoui bay.

Turkish names. The Turks have very queer names for their vessels of war. One is called the "Opener of Triumph"—another "Old Luck,"—another the "Protected of God." They have also, the "Aid of God"—"Vessel of Victory,"—"Salvation of Splendor," and so on. The pride of the Turkish navy, however, at this moment, is a schooner recently built by an American ship builder at Constantinople.

A Turkish newspaper has been established at Constantinople by the sultan, who is said to be a contributor to it.

FOREIGN NEWS.

From London papers to the 30th of June inclusive and Paris papers to the 2d of July.

GREAT BRITAIN AND IRELAND.

The English news is uninportant. We stated in our last the rejection, by the house of lords, of the amendments of the commons to the Irish municipal bill. The lords have appointed a committee to draw up a statement of their reasons for disagreeing to the amendments.

In the house of commons on the 29th of June, many petitions were presented on the subject of the Irish corporations bill, and for the abolition of tithes. Mr. S. Crawford represented that one of them implored the house to assist in promoting the views of the "universal liberator of mankind, Daniel O'Connell"—language that produced no ordinary entertainment.

The Polar expedition. Captain Back sailed on Tuesday night from Chatham, in command of his majesty's ship Terror, on his expedition to Wager river, on the south west of sir Thomas Ross' Welcome, with a crew of 60 men. His return may either be expected next November, or the same month in the next year.

A Mr. Kearsley, who appears to be one of the butts of the radical members in the house of commons, was lately interrupted in a way offensive to his sense of his own importance. The following scene then took place:

"Mr. Kearsley rose, and assuming an extremely grave and earnest air, and placing his glass to his eye with one hand, and putting his hat under his left arm, looked very steadfastly across the house at Mr. Paul Methuen, and exclaimed: Sir, when the honorable member for North Wiltshire thinks proper so precipitately to interrupt me, I am tempted to exclaim, 'Paul, Paul, why persecutest thou me!' (Here the whole house was convulsed with laughter, which continued for several minutes, and which was much increased when the honorable member left his seat on the second row of the opposition benches, and walked down quietly to the floor of the house, where after bowing thrice, in a style, the solemnity of which made it irresistibly ludicrous, he made three efforts to retire, but being stopped at the bar, came back to his place amidst renewed shouts of laughter, and cries of 'chair and order.'"

Lord Melbourne, the British premier, has been tried for *crim. con.* with Mrs. Norton, a lady of some literary notoriety, and a member of the Sheridan family. The husband is a police magistrate, and it is said that the trial originated from political motives. The jury acquitted lord M. without leaving the box, the witnesses against him being, from their own showing, prostitutes and drunkards, who lived in Mrs. Norton's family.

FRANCE.

The attempt of *Louis Alibeau* to assassinate the king, briefly noticed in our last, engrossed the attention of all parties in France, and caused much speculation. All, however, condemn it, and it does not seem to have been the result of a conspiracy, or that Alibeau had accomplices—yet forty or fifty persons have been arrested on suspicion, who, it is said, will probably be discharged in consequence of the insufficiency of the testimony against them. Alibeau was committed to the conciegerie, and was lodged in the room formerly occupied by Fieschi, carefully guarded. When first committed he displayed much assurance and bravado; but when left alone he seemed depressed, and it is said he made an attempt to destroy his life by dashing his head against the wall. He generally made short replies to interrogatories, and he continued to give the impression that he was without accomplices. It was expected that the preparations would be completed for the commencement of his trial, within the first eight days of July. A friend of Alibeau, named Freysse, with whom he had lodged in Paris, was arrested at Bourdeaux, by virtue of a telegraphic order, and sent immediately to Paris. It was thought that Freysse had no knowledge of the attempt.

The assassin is a native of Lyons, quite a young man, tall and slight, his hair black and his complexion pale. He was clad in a neat frock coat, but his shirt was dirty and in rags, and he was without stockings. Only 22 sous were found in his pocket.

During the evening of the day on which the attempt was made upon the life of the king, all the ministers, the peers and the deputies at Paris, waited upon him and congratulated him upon his escape. Among the addresses to him was the following from the chamber of deputies.

The address by the M. Dupin, president of the chamber of deputies.

"Sire! The chamber and the country are deeply indignant, but the public confidence is not shaken. We place it above all, sire, in the person of your majesty, who appears to be exposed to such proofs only for the purpose of displaying in the eyes of a nation, which is ever the friend of true courage, that magnanimity which so eminently distinguishes the king of the French. Sire, whenever your august head becomes a mark for assassins, each of us would willingly make a rampart of his body. The rebels attack, in the person of the king, the vital principle of order and peace on which depends the welfare of the country. This principle he will defend by closing more firmly around that dinasty which France has raised to the throne only because she considered it worthy of consolidating the revolution of July. Sire, the enemies of public tranquility were too deeply afflicted by seeing how, under the loyal government of your majesty, every thing was becoming stable in the midst of a prosperity which may almost be considered as a prodigy. It became a necessity for them to endeavor to stop the current. A fanatic has conceived the atrocious idea of a new crime, but an invisible hand averted the blow.

"Let us hope that a firm and vigilant administration may find the means of drying up the source of these disastrous attempts. Rely also upon the chamber, sire: the absent deputies will not disavow the sentiments of those who are present; we are all unanimous in detesting such crimes and we are all willing to combine in preventing a repetition of them. Amidst the most profound grief in those days of anxiety, sometimes reserved for the most tender and generous minds, Providence affords means of compensation! Our excellent queen will find them in the affection of the whole nation, in that pure love we bear towards her family. Her sons will soon return. Whenever they pass, they will be received with the same sentiments with which we are animated, and they will traverse France hailed by repeated cries of *vive le roi!*"

At this conclusion cries of *vive le roi* were repeatedly uttered by the deputies present.

His majesty's answer:

"I cannot express my emotion on the sentiments you have testified towards me. You have habituated me to receive them on very painful occasions, similar to the present. But I cannot refrain from telling you how deeply they have impressed my heart, and what consolation and confidence it derives from them. Yes, gentlemen, it is with your support and your concurrence, in contending against fiction, that we shall prevent a return of these deplorable attempts, which would be of little importance if they concerned me alone; but it is France that is attacked through me, as your president has said, it is social order, it is our laws."

Here his majesty was interrupted by a general acclamation of vive le roi! Yes! Yes! All! All! cried the deputies, with a force we cannot render.

"You know that I remain at my post, whatever may be the danger; that my devotion to France is unbounded; and that I am ever ready to die in the breach, in defending that which France has confided to me, and which I have sworn to maintain."

Here the cries of *vive le roi*, were repeated with an enthusiasm beyond all expression.

"I sufficiently repeat to you how deeply I am affected by your sentiments. I thank you in the name of the queen and my family. You may well conceive their sensations at the terrible moment. When the explosion was heard the queen was in my carriage, opposite to me, seated by the side of my sister. After such a shock they have both need of the consolations you have afforded them. Nothing can be more delightful than the manifestations of the sentiments with which you have surrounded me. I am deeply sensible of them, and the recollection of them will never depart from my heart, or from those of my family."

These words, which the king pronounced with great emotion, were followed by fresh acclamations.

The king had been urged, since the attempt of Alibeau, to establish a body guard, but would not listen to it, saying that bayonets had not been wanting, and that he would rather expose his life than to submit to such servitude. His majesty had addressed the following letter to the archbishops and bishops of France:

"REVEREND SIR: A new attempt has just threatened my life. Providence has preserved it. My gratitude is raised toward Him who has covered with his powerful hand a life entirely devoted to the welfare of France. I have the firm conviction that their persevering protection will aid me in maintaining in my country peace and respect for religion, order and law. My intention is that a solemn *te deum* and thanksgivings should be celebrated in all the churches of your diocese.

"LOUIS PHILIPPE.

"*Paris, 27th June*, 1836."

The court of peers was prosecuting its inquiries; but as the chamber of deputies has not been specially summoned in reference to this occurrence, it was thought that no new laws of a repressive character would be proposed. France, say the papers, comparing the impression produced by the last attempt upon the king's life, as contrasted with that of Fieschi, is now indignant, but not alarmed. It has been decided that the celebration of the fetes of July, will not take place this year, as was intended.

It is stated in a Paris paper that M. Serrurier will resume his post as ambassador from France to the United States, as soon as Mr. Livingston is again accredited to the court of Paris, or some other charge d'affaires appointed.

SPAIN.

Great anxiety was felt at Madrid for the situation of affairs in Valencia, where the queen's forces are greatly outnumbered by the Carlists. Upon the subject of Spain, the ministerial Evening Journal contains the following: "On the 24th inst. 13 Carlist battalions, commanded by Garcia, attacked Larrasoana with five pieces of artillery. A company of the foreign legion which defended a block house, blew it up after a vigorous resistance. The viceroy, setting out from Pampeluna with six battalions, turned the enemy's position and drove him back upon Baratain, after having killed or wounded nearly 400 of his men. The Christinos set out in pursuit of the remainder the day after."

Advices from Madrid of the 23d June, speak of an arrangement about to be entered into by a re-union of the grandees to guarantee a loan. Should this fail, it is said, the queen will pledge the royal domains. Mendez Vigo, the new war minister of Spain, had arrived at Madrid. Cordova, the former minister of war, had returned to the army. Another account says Don Carlos' army was suffering greatly from desertion, and it was supposed that a majority of his troops would abandon him. He was still at Villa Franca.

ENGLAND AND TURKEY.

A serious difficulty has arisen between lord Ponsonby, the British ambassador at Constantinople, and the porte, in consequence of the injuries inflicted upon a Mr. Churchill, an Englishman, who was residing in the Turkish capital. It appears that Mr. C. on a gunning excursion, in the vicinity of the city, accidentally shot a small Turkish boy—the wound was very trifling, but the cries of the boy attracted the attention of some Turks, who, learning the cause of them, rushed upon Mr. C. and after assailing him with violent language, inflicted the punishment of the bastinado in the most severe manner. He was then committed to a vile prison and loaded with chains. The affair becoming serious the Turkish authorities became alarmed, a few days after the affair, and thrust Mr. C. into the street. He found his way to his lodgings and has remained quite ill ever since. As soon as he was able he communicated his case to lord Ponsonby, who forthwith commenced a correspondence with the porte and demanded redress. What has since transpired is not known, but from the following paragraphs we would infer that the affair has assumed a very grave character.

"Advices are received in Paris from Constantinople of the 9th inst. stating that the differences between lord Ponsonby and the porte had assumed such an angry appearance as to lead to the cessation of all intercourse. The Turkish fleet, which had passed the Bosphorus, was, in consequence of some vague fears that the British ships would make a descent upon some part of Turkey, recalled."

Private correspondence from Paris.

M. Boutaneiff (the Russian ambassador) had forwarded to his court and to London remonstrances and protests against the charges directed against him and his imperial master by lord Ponsonby, justifying himself against the imputation of having had any thing to do in producing the treatment of which Mr. Churchill had been the object. The Austrian ambassador had also protested against those accusations declaring them to be unfounded.

The Austrian government has forwarded to its representative at the court of London a formal remonstrance against the conduct of lord Ponsonby in the respect in question, and stating unequivocally that it (the Austrian government) will consider as a declaration of war any act of hostility committed against Turkey by any power of Europe, and that it is determined, moreover, to maintain in its fullest extent and meaning the integrity of the Ottoman empire.

EGYPT.

The *Swabian Mercury* contains the following intelligence from Alexandria, dated April 25:—The army of Mehemet Ali has been completely annihilated near Djeddar; more than 60 officers in their flight have arrived in Egypt. A corps of 4,000 Egyptians had taken refuge in Arabia, after deserting the flag of the viceroy. The character of these Fellahs ought to be known, in order to give a just idea of this strange dissolution of a military body. These men, transported into Arabia, against their inclination, rudely give way to the inspirations of fatalism, which they try in vain to repel, and they desert their satrap. The European officers and soldiers, to the number of 33, who had followed the army into Arabia, have resigned their posts; they propose returning to Europe, and have addressed themselves to their consuls, in order to obtain the means of so doing. The workmen at the arsenal of Alexandria have themselves set fire to the building, because their wages were not paid. Only one corvette fell a prey to the flames, and the fire was soon got under. The guilty persons are not yet discovered but every one knows that the fire originated in malice. The new decree relative to the monetary system has not produced a favorable impression. A report is current that all the consuls who accompanied Mehemet Ali in his expedition into Lower Egypt have received orders based on the firman granted to lord Ponsonby, to demand the abolition of the system of monopoly. This measure had been dictated by the certainty that England will neglect no means for insuring the execution of the firman. M. Mimaut, the French consul, has already asked for the same privileges as England, not only for France, but also for all the European states. News from Aleppo mentions that the European consuls, upon the giving of orders by Ibrahim Pacha for the abolition of the monopoly with regard to England, have demanded the same thing for their own states, but that Ibrahim refused, alleging, as an excuse, the order of the sultan and of the viceroy. The young pacha still levies troops at Antab, and is on the point of setting out for a general inspection of the frontier fortresses.

MOB AT CINCINNATI.

About two months ago an abolition paper was established in Cincinnati edited by James G. Birney and entitled "The Philanthropist." It had not been issued but a few weeks before public excitement was felt in reference to it, and on the night of the 14th of July, the press room, being in a separate building, was broken open, and the press and materials found in it defaced and destroyed. The parties injured applied to the mayor to issue a proclamation, offering a reward to apprehend the perpetrators. This he declined until they should deposite the amount to be offered. The deposite was made, and on Monday morning July 18, the proclamation was published. Two or three days afterwards a notice was inserted in the daily newspapers, calling a public meeting of the citizens on the 23d July, to decide whether they would permit the publication or distribution of abolition papers in that city. At that meeting resolutions were adopted condemning the spirit with which the "Philanthropist" was conducted—and it was denounced as unjust to the other states, as at variance with the opinions of the great mass of the population, and in direct violation of the solemn pledges given by its conductor. The meeting also resolved to use all lawful means to suppress every publication of a similar character in the city, and appointed a highly respectable committee to wait upon Birney and his associates to remonstrate with them upon the dangerous tenden-

cy of the course they were pursuing, to communicate to them the actual tone of public feeling in the city, to request them by every motive of patriotism and philanthropy to desist from the publication of their paper, and to warn them that if they persist the meeting cannot hold themselves responsible for the consequences.

In accordance with their instructions, the committee through their chairman addressed a note to Mr. Birney, desiring an interview. This was answered by a note from Birney, of rather an evasive character, but referring the committee to the abolition executive committee. Several notes were passed between the respective parties before an interview could be obtained. At length the parties met, and, after a long interchange of sentiments, the committee of the meeting found it utterly impracticable to accomplish any of the primary purposes for which the interview was sought. The committee then passed a resolution desiring the abolitionists to give an explicit answer in writing, whether the abolition paper would be discontinued or not. To this resolution the committee received the following response:

Cincinnati, July 29, 1836.

SIR: Whilst we feel ourselves constrained altogether to decline complying with your request, as submitted last evening, *to discontinue the Philanthropist*, we think it but just to ourselves, and respectful to our fellow citizens generally, to offer a brief exposition of the reasons that persuade us to this course.

1. We decline complying, not so much from the fear that the particular cause in which our press is employed may be injured, but because compliance involves a tame surrender of the FREEDOM OF THE PRESS—THE RIGHT TO DISCUSS.

2. The Philanthropist is the acknowledged organ of some twelve thousand or more of our fellow citizens of Ohio, who believe that slavery, as it exists in our country, is altogether incompatible with the permanency of her institutions; who believe that the *slavery* of the *south* or the *liberty* of the *north* must cease to exist; and who intend to do what in them lies to bring about a happy and peaceful termination of the former, and this as speedily as facts and arguments and appeals to the consciences and understandings of slaveholders can be made instrumental to effect it.

3. The Philanthropist is the only journal in this city or neighborhood through which these facts and arguments and appeals can be lawfully addressed to the community. It has been conducted with fairness and moderation, as may be abundantly proved by the acknowledgments of those who are opposed to its object. It has invited the slaveholders themselves to the use of its columns for the defence of slavery, and has given up to a republication of their arguments a large share of its space.

To discontinue such a paper, under existing circumstances, would be a tacit submission to the exorbitant demand of the south that *slavery* shall never more be mentioned among us.

4. We decline complying with your request, because, if it has originated among our own citizens, it is an officious and unasked for intrusion on the business of others; if among the citizens of other states, it is an attempt at dictation as insolent and high-handed on their part, as a tame submission to it would be base and unmanly on ours.

5. We decline complying with your request—because we would not preclude ourselves and others from discussing in the most advantageous manner a subject which, by the acknowledgment of all, is of momentous consequence, and which is now occupying the mind of the whole nation.

6. We decline complying—because the demand is virtually the demand of slaveholders, who, having broken down all the safeguards of liberty in their own states, in order that slavery may be perpetuated, are now, for the fuller attainment of the same object, making the demand of us to follow their example.

With these reasons—to which many more might be added, did time permit—we leave the case with you; expressing, however, our firm conviction, should any disturbance of the peace occur, that you, gentlemen, must be deeply, if not almost entirely responsible for it, before the bar of social and enlightened public opinion.

JAMES C. LUDLOW,
ISAAC COLBY,
WM. DONALDSON,
JAMES G. BIRNEY,
THOS. MAYLIN,
JOHN MELENDY,
C. DONALDSON,
GAMAL BAILEY,
Executive committee O. A. S. society.

J. Burnet, chairman, &c. Cincinnati.

Thereupon the following resolution was unanimously adopted by the committee:

Resolved, That the members of this committee reluctantly accepted the responsible trust committed to them with no other motive than the hope of being able to allay the excitement which they believed to exist, and to prevent the violence which they feared might be its result. That in discharging their duties they have used all the measures of persuasion and conciliation in their power. That their exertions have not been successful, the above correspondence will show. It only remains then, in pursuance of their instructions, to publish their proceedings and adjourn without day. But ere they do this, they owe it to themselves and those whom they represent, to express their utmost abhorrence of every thing like violence, and earnestly to implore their fellow citizens to abstain therefrom.

NOTE. John C. Wright, one of the committee, has been absent during all its proceedings, and Stephen Burrows, another member, declined acting.

JACOB BURNET,
JOSIAH LAWRENCE,
ROBERT BUCHANAN,
NICHOLAS LONGWORTH,
OLIVER M. SPENCER,
DAVID LORING,
DAVID T. DISNEY,
THOS. W. BAKEWELL,
JOHN P. FOOTE,
WM. GREENE,
WM. BURKE,
MORGAN NEVILLE,
TIMOTHY WALKER.

The above report was published on Saturday morning, the 30th of July, and on that night the public feeling found vent in acts of open violence—the following particulars of which are published in the Cincinnati Whig of the 1st inst.

About nine o'clock on Saturday evening, between four and five thousand people (as is supposed) had assembled around the publication offices of the abolition paper, edited by James G. Birney and printed by A. Pugh, at the N. E. corner of Main and Seventh streets. In a few moments the types and printing materials of that establishment were seen dashing out of the windows into the street, amid the cheers of the immense mass of the people below.

In a very short time the windows of the building and every thing in the office were completely demolished and strewed about the streets. The printing press was broken to pieces, and the largest piece dragged through several of the principal streets and then thrown into the river. Thus far every thing was done in the most systematic order, and as is believed, was tacitly countenanced by a very large number of our most respectable citizens.

At this juncture, however, the names of Birney, Donaldson, Colby, &c. (all leading abolitionists) were shouted by numerous voices and immediately three or four hundred of the mob rushed to Birney's dwelling. The mob were well provided with tar and feathers. On arriving at Birney's house, the abolition editor was demanded—his son, a youth of about sixteen, came to the door and assured the multitude that his father was not at home.

It was soon satisfactory ascertained that he had left the city in the stage for Hillsborough several hours previously. The mob then directed their course to the house of one of the Donaldsons, (the other residing in the country), and demanded him to be delivered up to them. Some ladies came to the door, and pledged their word that Donaldson was not at home, and assured the multitude that no one but ladies were in the house. The mob immediately departed in search of, but did not succeed in finding him.

It was afterwards ascertained that he fled from the house a few minutes before the arrival of the mob, and had escaped through an alley or retired street to some unknown place.

The cry of "Church alley" was now resounded through the mob. This is a place where a quantity of black and white men and women, of infamous characters reside, huddled promiscuously together in five or six small buildings.

In a few minutes the inmates of these wretched brothels were turned into the streets, and the windows of the buildings, and every article which the building contained destroyed and scattered to the four winds of heaven.

Here by the peaceable interference of several citizens, the progress of the mob was arrested, (as was supposed, finally) every body, apparently, promising to disperse and go home.

An hour or two afterwards, two or three hundred again collected together and demolished the windows and all the furniture of 6 or 7 small negro houses of bad character on and near the corner of Columbia and Elm streets, in the part of the town commonly called the Swamp. In the course of this attack a gun was fired from the window of one of the houses, and a young man by the name of Kinsey was severely shot in the hip and leg with large sized pigeon shot. The wound we believe, is not considered very dangerous, though he was perforated with twenty odd shot.

The mob having accomplished all they intended, finally dispersed about three o'clock on Sunday morning.

Some further movements occurred on Sunday night, caused by an impression that Birney was concealed in a house in Fourth street. But a committee having examined the premises and reported that he was not there, the mob, after having been addressed by the mayor, dispersed. The city has since been quiet.

On the 2d of August a public meeting was called, which was addressed by judge Burnet, Joseph Graham and Joseph S. Becham, esqrs. after which resolutions were adopted pledging the meeting to support the civil authorities in their efforts to preserve the peace, and expressing an opinion that the recent outrages were caused by the establishment of the abolition press.

FROM FLORIDA.

From the Washington Globe.

We have been furnished with the following communication from governor CALL to the war department, and the accompa-

nying report from the gallant captain LEE, giving a more particular account of the affair with the Indians on the 9th of June. The lamented col. HEILEMAN had promised a more circumstantial statement; but this duty has now devolved on the officer second in command—himself dangerously wounded. He is only now so far recovered as to be able to discharge this duty.

Tallahassee, 21st July, 1836.

SIR: I have the honor herewith to inclose a copy of the official report of captain Lee, relative to the engagement with the Indians near Micanopy, on the 9th day of June last. Captain Lee explains sufficiently the reason why this report is now made, and why it was not made at an earlier period. The gallant major Heileman was brevetted for his conduct on that occasion, but unfortunately did not live to receive the intelligence of this acknowledgment of his worth. It appears to me, both from the report of major Heileman and captain Lee, that the latter officer and the two surviving lieutenants who acted under his orders, are equally entitled to this distinction, I would therefore respectfully suggest the propriety, as well as the justice, of conferring brevets on capt. Lee, lieutenants Humphreys and lieutenant Talcott for the gallantry and bravery with which they fought on that occasion. This just reward for their services would have a happy effect on the future operations of the army. I am, sir, very respectfully, &c. R. K. CALL,

Governor and commander-in-chief.

The honorable secretary of war.

—

Fort Defiance, Micanopy, East Florida, July 12.

SIR: On the day following the engagement near this place with the Indians on the 9th of June last, major Heileman made a hasty and imperfect report of the event to brig. gen. Eustis, who at that time commanded the troops in Florida, in which he merely gave a general outline of the occurrences of the morning, stating to me at the time that, as soon as the state of my wounds would allow me to give him a special account of my knowledge of the affair, he should make a detailed report of it, based upon the representations of lieutenants Wheelock and Humphreys and myself. Within three or four days afterwards, major Heileman was attacked with a severe illness that terminated in his death, which sudden and lamented event has deprived the army of one of its most valuable officers, at a time too when our country could ill afford to lose the services of such an accomplished and gallant soldier.

The death of major Heileman devolves upon me the duty of giving you a detailed statement of the occurrences of the engagement. In performing this duty, I shall confine myself to a plain relation of facts, leaving it to you to draw such conclusion as the circumstances of the case may seem to warrant.

On the morning of the 9th June last, about 10 o'clock, the enemy, in large force, having shown himself about three quarters of a mile from our picketing, in an easterly direction, the troops were immediately paraded under arms, and orders given by major Heileman to lieutenant Wheelock, in command of about twenty-five dragoons, and myself, in command of nineteen men of company I, 3d artillery, and a brave volunteer teamster, named More Bleeck, to make a sortie and attack him. Being the senior officer, I was directed to take command; and having received major Heileman's final orders, I instructed lieutenant Wheelock in what manner to approach and assail the enemy. I then proceeded with my immediate command by a route concealed from the observation of the enemy, and after marching about half a mile to the right, to the point of a small hammock near the Tuscawila lake, unexpectedly found that the opposite extremity of this hammock, about 300 yards from my position, was occupied by a large body of Indians. Just at this time lieut. Humphreys, who had been ordered out by major Heileman subsequently to my leaving the pickets, arrived with a detachment of 25 men, composed of detachments from companies D and E of the 2d regiment of artillery. I directed him to make a circuit to the left around the hammock, which order he promptly obeyed, and had not proceeded more than 250 yards before he found himself in contact with the enemy's left.

The dragoons, led on by their intrepid and gallant commander, lieutenant Wheelock, whose untimely death we have recently been called upon to mourn, were now warmly engaged with the enemy's right, charging on horseback and delivering their fire without dismounting—the Indians retreating before them. Having delivered their first fire, they reloaded on their ground, charged and fired again, and so on until the enemy were forced into the Tuscawilla hammock, their strong hold. Meantime lieutenant Humphreys gallantly charged the left—the enemy keeping up a retreating fire. Lieutenant Humphreys made several efforts to bring them to close quarters, but in vain, they having the advantage in celerity of movements. As the enemy approached the hammock in retreating, the length of his front was necessarily diminished, and, as a consequence, the different detachments of our troops were brought nearer together. Lieutenant Humpreys at this time observed one or two attempts to outflank our left, which he as often defeated by a prompt and judicious movement in that direction.

Having given lieutenant Humphreys his orders, I proceeded to enter the hammock, moving in an oblique direction towards the rear of the enemy. The trees being sparse, and the undergrowth not sufficiently thick in many places to conceal my men, I was obliged to move with great caution and celerity. I soon found myself in the enemy's rear, at the distance of about 150 yard. I continued to move on until I reached the extreme verge of the hammock, being at that time about twenty paces in front of my company. It now became necessary to examine more particularly the position of the enemy, in order to attack him to the best advantage. I therefore crept forward about ten or twelve paces upon a small knoll, and found myself in full view of about fifty Indians, as many more being concealed behind the brow of a small hill, the nearest about twenty and the furthest about seventy yards off. Their backs were towards me, and they were eagerly and intently observing the movements the troops commanded by lieutenants Wheelock and Humphreys.

The dragoons under lieutenant Wheelock having a few moments previously become warmly engaged, I remained several seconds in this position, my men still advancing, during which time I observed two Indians, whom I supposed to be chiefs, from their earnest conversation and gesture which induced me to believe they intended to make a movement to the rear of lieutenants Humphreys and Wheelock, from whom they were as yet entirely concealed. My men had now arrived at the verge of the hammock, and I only required about five paces more to enable me to pour a volley amongst them before their knowing of my presence when we were unfortunately discovered. Being in advance of my men, and on elevated ground, and my dress being somewhat conspicuous, I soon became a general mark. Instantly I gave my command to charge, raised my rifle, and flashed it at one of the supposed chiefs.

The scene of panic and confusion which ensued on the part of the Indians baffles all description. Some fired at me without taking aim, some fled without firing at all, and some took to trees. My company were now clear of the bushes, and charging handsomely, throwing in shots wherever a good opportunity offerded—myself leading about twelve paces in advance. I had proceeded only a few steps, when I felt a terrible concussion against my shoulder—a great difficulty in breathing—and was seized with bleeding at the mouth. I found that I was bandly wounded, but having strength to keep my feet, determined to lead the charge as long as I could stand. I turned to my men, observed to them I was wounded, and ordered them to push ahead. I had scarcely resumed my front, and advanced three or four paces, when I was brought to the ground by a severe wound through the thigh given by an Indian who was about twenty yards distant behind a tree. Sergeant Hall, my orderly sergeant, came and asked whether he should have me carried from the field; I told him no—to charge with every man. It was not necessary to repeat the order—the men sprang forward at the word.

As the rear of the company was about passing me, one of my sergeants and several of my men came and urged me to be moved to a safer place; I ordered them to leave me where I was, and charge. One of them asked me to lend him my rifle; and in a moment more I found myself alone. Having remained in this situation upwards of an hour, and the battle being over, my orderly sergeant, with several men, returned, and informed me that the enemy were entirely driven off and silenced. The remainder of the company, under sergeant Bennett, moved to the left, and joined lieutenant Humphreys. Lieut. Wheelock and his command were the first to get into action; my company were the next; and lieut. Humphreys and his command were engaged immediately afterwards. Not more than five or six minutes elapsed after the first fire upon the dragoons before all three of our detachments encountered the enemy.

As soon as the action became general, major Heileman left the pickets with a six-pounder field piece, and advanced rapidly towards the scene of action, but when he had nearly arrived within reach of the enemy, some person reported to him that a body of Indians were moving towards the rear of the pickets. Apprehending an attack in that direction, and there being but a few teamsters and citizens, besides the sick left within the work, under the command of lieut. Talcott, major Heileman deemed it necessary immediately to return to the pickets with the gun; but finding on his arrival that the alarm was false, he directed lieut. Talcott to proceed at full speed with the field piece to where the troops were still engaged with the enemy. This order was promptly obeyed by lieut. Talcott, who arrived on the field just in time to render good service, in finally, silencing the fire of the retreating enemy, who after a few well directed shots from the artillery, sought shelter in an extensive and dense hammock, about two miles from the pickets and about a mile and a quarter from where the battle first began.

The engagement lasted about an hour and a quarter. The Indian force is supposed to have been at least 250: ours, you will observe, amounted to but 70 men, exclusive of those with the field piece, which arrived upon the field just at the close of the action. Three of our men were severely wounded, one of whom has since died, and another has lost an arm; three others are slightly wounded. Of the officers, I was the only one injured, having received two severe wounds, one in my left shoulder, and one through my left thigh. The enemy it is believed suffered severely, but to what extent cannot be ascertained, as those disabled by our fire were borne off by their retreating comrades.

In closing this report, I feel great pleasure in expressing in this public manner, at the unanimous request of the officers present, the high sense entertained by us of the unmerited exertions of Mr. George Center, a citizen of this place,

in rendering every assistance in his power, both to the wounded and the well amongst our troops, not only on the day of our engagement with the enemy, but at all times. I cannot too highly applaud his generous and disinterested conduct. I am, sir, with much respect, your obedient servant,

R. B. LEE, *brevet capt. 3d artillery.*

His excel. gov. Call, commanding-in-chief, army of Florida.

THE HISTORY OF THE CONSTITUTION.

From the National Intelligencer.

To every American reader, not only to every statesman and politician, but to every freeman capable of rightly esteeming the institutions under which we live, no forthcoming work can be of greater interest than the only authentic history of the constitution of the United States, from the lucid and faithful pen of James Madison, the first (or one of the first) of its great founders and architects. Of the value of such a work no one could be a better judge than Mr. Madison himself, and he has in his will, providing for its publication, borne the most emphatic testimony on the subject, whilst directing the avails of the publication to be applied to purposes wholly disinterested, humane, and literary. We are indebted to a friend for a copy of so much of the will of the illustrious deceased (dated April 15, 1835) as relates to this work; in which, as follows, we are sure that our readers will find much to interest them:

"I give all my personal estate of every description, ornamental as well as useful, except as hereinafter otherwise given, to my dear wife; and I also give to her all my manuscript papers, having entire confidence in her discreet and proper use of them, but subject to the qualification in the succeeding clause. Considering the peculiarity and magnitude of the occasion which produced the convention at Philadelphia in 1787, the characters who composed it, the constitution which resulted from their deliberations, its effects during a trial of so many years on the people living under it, and the interest it has inspired among the friends of free government, it is not an unreasonable inference that a careful and extended report of the proceedings and discussions of that body, which were with closed doors, by a member who was constant in his attendance, will be particularly gratifying to the people of the United States, and to all who take an interest in the progress of political science and the cause of true liberty. It is my desire that the report as made by me should be published under her authority and direction; and, as the publication may yield a considerable amount beyond the necessary expenses thereof, I give the nett proceeds thereof to my wife, charged with the following legacies, to be paid out of that fund only," &c. &c.

GENERALS SCOTT AND JESUP.

Extract from the Washington "Globe" of July 20.

"With regard to the 'intrigue of gen. Jesup,' it is proper that we should say a word in the absence of that officer. The representation made to disparage him through the opposition prints, since gen. Scott has obtained a copy of his letter from the department, leaves no doubt that the circumstance of its having been addressed to the editor of the Globe, is greatly relied on, to bias this controversy. We have had no communication from gen. Jesup since we received it, and can therefore only offer our own interpretation of his motive in writing to us.

"Gen. Jesup was our next door neighbor, while he remained with his family in the city, and from the friendly relation which always subsisted between us, he had reason to suppose that as a public journalist, we would be willing to do justice to him in the difficulty which had arisen between himself and gen. Scott. He knew that gen. Scott had transmitted to the war department, letters in which were lodged the heaviest charges against him—that he was charged with pushing the Alabama troops into the midst of the Creek country, against orders—that he was charged with bringing them into a situation where he had every reason to suppose that they would starve—that he was charge with bringing upon gen. Scott the danger of a mutiny among the Georgia troops, who were impatient for action, and were ready to break through the restraints of gen. Scott's plan, to reach the enemy; and finally, that he was charged with failing to communicate and of deranging the whole scheme of the campaign.

"Gen. Jesup had seen that we had published, from time to time, such of gen. Scott's official despatches as he desired to appear in the Globe; he had seen that we had published his violent official attack on major Reed of the Florida troops; he had seen that we had excused gen. Scott's unfortunate Florida campaign, and had brought forward every palliating circumstance to relieve him from its consequences; the indignation of the south, universal dissatisfaction among the people, and the chagrin of the president, whose confidence had preferred him to the command. Knowing these things, gen. Jesup certainly had some reason to take care that we should be apprised of his view of the transactions reported upon by gen. Scott, that we might not impart intelligence to the public without a knowledge of the whole case.

"It is apparent, from gen. Jesup's letter to us, that he expected to be arrested by gen. Scott on his charges; and if not, that he intended to retire from his command, and call for an investigation of them himself. It seems he wished to communicate the motives of his conduct to the president, and he felt that he could not do this through an official channel, without inculpating gen. Scott in such a manner, as would put him under the necessity of subjecting that officer to a court martial. Standing in the relation of second in command, we infer that gen. Jesup did not choose to take a course which could be construed into an attempt to supplant his superior. He therefore stated his determination '*to apply to be relieved*,' and if not arrested by gen. Scott on the charges preferred against him, for his own vindication, to call for an inquiry into his own part, and have the campaign investigated. When we delivered this letter to the president, the secretary of war was at his house, and he apprised the president that gen. Scott had written a letter to gen. Jesup, full of charges, and upon explaining them, the president said he would recall gen. Scott. He disapproved of gen. Scott's conduct of the campaign. He approved of Jesup's; and as he was obliged to put down a dissention which threatened to mar the campaign, he instantly wrote his order on gen. Jesup's letter, without consulting the secretary or any one else. If there had been any difficulty in determining, as to the general whom he would employ in the further prosecution of the war, gen Jesup's letter relieved him from the invidious office of choosing between them, and offending one or the other. Gen. Jesup's letter was an informal communication, intended to assure him that he would ask to be relieved. This voluntary retirement would at once have put an end to the divided councils, which were likely to produce disasters in the Creek campaign, and have left the field of glory to gen. Scott. In doing this, gen. Jesup, it seems, felt it due to himself, to indicate the ground on which he meant to defend himself against the charges which produced his resolution; and that he might not be considered as preferring official charges against his superior, which would call upon him to require his arrest in the midst of a campaign, he addressed his note to an unofficial person—the editor of the Globe.

"Upon reading the communication, the president thought fit to give a turn to the controversy which we did not anticipate on handing the letter. He considered it due to the public interest to reverse the positions assumed by the two generals. He deemed it proper to hold general Scott to accountability, and make general Jesup the accuser. And as his letter, although unofficial, was not confidential, he directed it to be filed, as a public document, with general Scott's letter, to apprize him of the whole foundation of the order upon which he was recalled."

Extract from the "Richmond Enquirer.

"A rumor has been put forth in the south, which does the greatest injustice to general Scott. It has been propagated by some of the presses, and directly countenanced by some of the toasters of the 4th of July. He has been suspected—indeed, openly charged, with intemperance. For instance, at a dinner given by a portion of col. Beall's regiment, in Baker county, Georgia, the following coarse and illiberal toasts were drunk:

Fourth standing toast. 'General Winfield Scott: A slave to the bottle, and a detractor from honest fame.'

'*By the company*: General Winfield Scott: More animated by the fumes of the Champagne bottle, than the love of country.'

* * * * * * * * * * * * *

"The assertion that Winfield Scott is a slave to the bottle, in any sense of the term, is a calumny, base and unfounded. We know it—every man who is acquainted with his habits knows it to be false. When the public service demands it, no officer is more active, zealous and untiring. In the whole course of a long acquaintance, we have often seen him gay, animated and agreeable, but never a slave to the bottle, and never intoxicated by its fumes. The love of country and glory are his idols. That he is not the detractor of others' fame, let his late order on taking leave of the army of the south, and his compliment to gen. Jesup, attest for him. Would that gen. J. had better deserved it. Would that he had not *appeared* to play the part of the detractor! Far better would it have been for him to have suppressed all resentment on account of Scott's letter, to have consulted no private feeling, rather than compromitted his own high character! If he had conceived it to be his duty to criticise gen. Scott's conduct, why did he not, as became an officer and a man, address himself frankly and at once to the president or the secretary of war, or the organ designated by the rules for the government of the army. Why did he send his complaint through a third party, and leave it to work in this underhand form, its effects against his superior officer? And why, when he and gen. S. made friends on the 23d June, did he not frankly tell gen. S. of the letter he had written, and promise to withdraw it? What gen. J. now owes to himself is, to request his own immediate recall. We regret that he has been driven by any considerations to commit such errors—and his duty is now to do all he can to repair them. He ought to show to the world that he did not design to effect Scott's recall by his private letter. He should scorn to profit by any such means—and he should convince his countrymen, that as he would blush to raise himself at the expense of another, so he will not be indebted for his promotion to any indirection. In a word, Jesup should say at once: "I did not mean to rise at Scott's expense. I did not write my letter with any such design—but since it has wrought this effect, I will not hold the command upon any such terms. I will not subject myself to such imputations. I therefore ask to be permitted immediately to give up the command." If he can, he should so speak, and he should so act. Such, at least, is our humble opinion.

As for general Scott, we would *now* cease all discussion—we would quietly leave his merits to be investigated by the court of inquiry, which will be called as soon as is compatible with the

interests of the service—but some of the whig slangwhangers will not permit the subject to rest. The very men who were abusing the president for his selection of Scott, and were reviling him as the favorite and sycophant of the administration, are now attempting to make the most of his recall. They are seeking to turn it into a party question and effect to take his part against the president. They charge gen. Jackson with indulging an ancient grudge against him, notwithstanding the distinction which he has paid him in the Black Hawk war, the South Carolina crisis, the Florida war, the Creek war, and the French question. They are also attempting to barb the arrow by the most insidious insinuations against Mr. Van Buren and his son."

From the Washington "Globe."

We have been put in possession of a letter from gen. Scott to a gentleman, in relation to the mode in which his controversy with gen. Jesup has been drawn into the newspapers. He says,

"I have not written a word to the Bulletin; I have not, in fact, suggested a line or a fact *for* any newspaper whatever. So far from doing any thing in that way, I have taken care to converse but little, even with my friends on military matters, in controversy, lest my knowledge of circumstances and my feelings should find their way into the public papers, being aware that in the great political contest now raging, every thing, likely to change a vote would be seized upon for the purpose."

In reference to the particular publications of Webb and King, alluded to in the Globe, the general says,

"This day, Wednesday week, I went over to New York and met col. Webb close to Trinity church, after the ordinary salutation, I asked him whence he derived the particulars of an article on my subject, in his paper of the day or day but one before? In the act of evading the inquiry he was interrupted by Charles L. Livingston, who joined us. He then finished the answer, and stated to Mr. L. my question. After some jocose remarks, he invited Mr. L. and myself to spend the following Saturday evening and Sunday at his house, on Long Island, I declined, on the ground that I did not wish to associate with politicians, under my circumstances, as I might be led to speak of recent military events, &c. Mr. L. who is a strong supporter of Mr. Van Buren, and myself, then walked up Broadway, and colonel Webb down. The next day I again went over to New York, and chanced to meet Mr. Charles King. An article in his paper a day or two before, headed *a general in search of the government*, had been pointed out to me. I asked him particulars? &c. He gave me no satisfactory answer: when I remarked to him, as I the day before had said to Webb, all the world will attribute the article to me; I declare before God, that I am as ignorant of the source of either article, as Mr. Blair himself can be."

Upon the absolute and circumstantial denial made by general Scott himself, we unhesitatingly declare, that we acquit him of the suspicion of having prompted the attempt to divert his case into a political channel, and make it subserve party interests, and so avail himself of party support. General Scott will certainly, however, pardon the mistake, inasmuch as he foresaw that "all the world would attribute the articles to him." Webb's display of the letter, and King's hue and cry of "a general in search of the government," being simultaneous with the arrival of gen Scott, in New York, was calculated to fasten the impression on us more than others, because on inquiry at the department, we learned that no copy of the original letter on file had ever been made out, but that taken on by gen. Scott to N York; and also, that the general had reported himself to the acting secretary of war—had demanded a court of inquiry; and had his demand complied with, which, as it concluded his business with the department, left no doubt on our mind that if he had other objects, rendering the pursuit of the secretary necessary, he had communicated the exigency to those editors who represented the absence of that officer, as a wrong to gen. Scott.

We find the following in the "Fredericksburg, (Va.) Arena:"

"There had been difficulties between Scott and Jesup, and strong complaints had been forwarded by the former against his subordinate, for disobedience of orders, and disrespect. On the 23d June, three days *after* the date of Jesup's letter to Blair, a full explanation took place between them, which led to a *thorough reconcilement*, and Scott promptly addressed the department, to neutralize the effect of his previous representations, and, in his general order, after being recalled, spoke in handsome terms of Jesup. On this occasion, *not one word was said by Jesup* of the letter which he sent to Blair to be laid before the president. Until he reached Norfolk, Scott was in total ignorance as to the cause of his recall, or the individual who had procured it, and *we know* that it was with difficulty he could be brought to believe in the existence of the letter—so little was he capable of suspecting Jesup's duplicity.

The following account of the manner in which general Scott obtained a copy of the letter of general Jesup to the editor of the "Globe" is taken from a letter published in the Philadelphia United States Gazette.

"On the arrival of general Scott at Washington he at once repaired to the war department, and entering the audience room asked 'who represents the secretary of war?' Forth stepped Mr. Harris, who from being a subordinate clerk, has rapidly passed through sundry transitions, until he has become commissioner of the Indian bureau, and acting secretary of war, and replied that he was the representative of the great functionary. General Scott then demanded a sight of the letter of general Jesup, to which I have referred, from the files of the department. The files were accordingly produced and examined, and the offensive letter was drawn forth with the still more offensive endorsement, and laid before the general, who took a copy, and in an hour or two afterwards left Washington again, in search it is presumed, of the secretary of war, who has gone to some of the northern springs, and with a determination to demand immediately a court of inquiry to examine into the causes which led to the unsatisfactory issue of the war."

MR. VAN BUREN'S OPINIONS, &c.

In the last "REGISTER" we published a letter from Mr. Van Buren in reply to a communication from a committee of "the democratic party of the city and county of New York, in favor of equal rights and opposed to monopolies." At a general monthly meeting of the same party convened at the military and civic hotel, in the city of New York on the 1st instant, the following report of the convention in relation to its proceedings and correspondence with *Richard M. Johnson* and *Martin Van Buren*, was read, and after a long and animated discussion adopted, and ordered to be published.

REPORT.

The convention of delegates elected and convened pursuant to a resolution passed on the 15th April, 1836, at a general meeting of the democratic party of the city and county of New York, friendly to equal rights and opposed to all monopolies, having attended to the duties assigned to it, respectfully request leave to report:

That, on the subject of the first part of the aforesaid resolution, viz: "To advise and recommend a state convention," diversities of opinion have prevailed in your convention, both as to the practicability and utility of it. As respects its being practicable, although there is abundant evidence that the principles and measures advocated by the anti-monopolists, have in all parts of the state numerous friends and talented advocates, yet, as there is not an organization of the real and honest democracy, it would consequently require much time to disseminate circulars, to interchange sentiment, produce organization and concert of action, necessary to the formation of a convention.

As to the utility of the measure at this time, it is held by many of your delegates to be somewhat questionable, for the reason that there will be a general convention of mechanics and working men, at Utica, on the 15th of September next; and being satisfied that their objects must necessarily be founded on the same principles, and in favor of the same reforms in government, as are urged by the anti-monopoly democratic party, viz: equal rights, equal laws and equal justice, it is therefore believed that the one convention will supersede the necessity of the other.

With regard to the latter clause of the resolution passed on the 15th April, that is, "to address the candidates for the presidency and vice presidency, on the subject of the principles and reforms advocated by the anti-monopoly democracy," your convention has corresponded with the nominees of the Baltimore convention exclusively, because, either the consistency, or the ability, or the democratic faith of the other candidates, is a matter of great doubt in the minds of the people.

Your convention acknowledges, with the highest gratification, that the communication which has been received from R. M. Johnson, and already published, is in full accordance with our declaration of principles, of which it is an able and happily expressed exposition. The frank and unlimited avowal of his political tenets, is alike honorable to him as a democrat, a patriot and a man.

But the same encomiums cannot be justly applied to the answer received from the candidate for the presidency, Martin Van Buren, and which has also been published. It is evasive, unsatisfactory and unworthy of a great statesman. The world, however, will judge of the motive which dictated it.

The 8th article of our constitution of organization, and recorded resolution passed on the 20th of January, 1836, prohibit our support of any candidate who will not avow his entire concurrence with our declaration of principles, in article V. The letter of Richard M. Johnson being amply satisfactory, while that of Martin Van Buren is not so to any true democrat, the constitution of the United States in this case, leaves us only a choice of evils, as it respects the presidential election, either to give up the fundamental tenet and objects of our organization, or not vote at all, and thereby withhold our support from Richard M. Johnson, the man whom we would delight to honor. Such alternatives exhibit the anomalous political absurdity of that clumsy aristocratic machinery, the electoral colleges, by which the citizen is deprived of the inalienable right of voting directly for officers in whose hands the government is placed, and particularly where that right is clearest and strongest, as in the case of the highest functionaries of the republic, where legislative power is united with executive. Your convention, therefore, strenuously recommends that memorials be constantly and perseveringly presented until the constitution be so amended, as that the citizen can vote directly in the election of president and vice president of the United States.

A committee has been chosen by the convention to draft an address to the people of the state of New York, in relation to the ensuing election. This committee, pursuant to its appoint-

ment, reported an address which has been amended and adopted. Another committee has also been appointed to correspond with our friends in the county of Suffolk, with the view of advising them to nominate one of their fellow citizens as a candidate for the office of lieutenant governor. The latter committee is also instructed to communicate to the electors of the counties comprising the first senatorial district, a resolution of the convention requesting them to appoint delegates to a district convention, for the purpose of nominating a senator to be supported at the ensuing election. This committee is engaged in the duty assigned to it, and will duly report to a future county meeting.

In compliance with a resolution of the county meeting, the convention has had under consideration the propriety of permanently establishing a democratic newspaper. Subscription papers have been ordered, and are now in circulation for signatures.

With regard to the unfinished business of the convention above stated, the committees will report to the county meetings the duties they have yet in charge. The following resolution is therefore offered for adoption:

Resolved, That the second convention of the democratic party in favor of equal rights and opposed to all monopolies, is hereby, as a convention, dissolved. By order of the convention,

E. G. BARNEY, *president.*

DANIEL GORHAM, B. F. HALLOCK, } *vice presidents.*

James L. Stratton, John A. Riell. } *secretaries.*

UNITED STATES AND MEXICO.

From the Globe of the 6th instant.

We have been furnished for publication with copies of the following order, issued by gen. Gaines, and of his instructions to the officer commanding the United States troops near Nacogdoches:

ORDER—NO. 29.

Head quarters, western department, camp Sabine, 11th July, 1836.

The present posture of affairs in Texas indicates the probability of Indian disturbances on the western and southwestern borders of the United States, in the course of the summer and autumn. On this hypothesis must be predicated all military movements on this frontier. It is therefore directed that, on any service requiring a detachment of the troops at any military station or camp, to be sent on duty in the wilderness on which they may be absent more than two days, and out of supporting distance, not less than two hundred infantry, or one hundred and fifty mounted men, be detached. The fate of major Dade's command in Florida illustrates the importance of a strict attention to this order.

By order of major general Gaines.

(Signed) GEO. A. McCALL,

A. D. C. and act'g assistant adj't general.

Head quarters, western department, camp Sabine, July 10, 1836.

SIR: Having received satisfactory information that, among the Indians who have recently committed depredations upon the frontier inhabitants of Texas, in Robertson's colony, there were some of the tribes residing within the limits of the state of Louisiana or Arkansas, I have deemed it proper, in order to ascertain to what extent these Indians have participated in these depredations, and, at the same time, to restrain their hostile incursions into Texas, to direct your attention to the matter; for which purpose you will repair, with the forces under your command, to the town of Nacogdoches, where you will, for a time, be occasionally stationed until otherwise directed; and to which place I have ordered seventeen thousand four hundred rations of flour, with the like quantity of the small parts of the ration, together with eight thousand five hundred rations of pork, with authority for a supply of beef, sufficient to complete the whole supply to 17,400 rations.

Your position at Nacogdoches must combine the several advantages of *strength, health* and *comfort*, and it must be fortified by a small breast work constructed of light materials, with a block house or two, at the opposite angles.

The primary object of the present occupancy of that post is to enable me to carry into effect instructions of the president of the United States, embraced in the letter from the department of war, dated 12th of May, 1836, of which I inclose herewith a copy for your information and government.

Should you find any of the Indians, of our side of the supposed national boundary, manifesting a hostile spirit, you will urge them to return to their villages and be peaceable. But should they, or any other Indians, or other armed forces, be found in a warlike attitude, or in the act of any decided hostility against the United States troops, or against any of the inhabitants of this frontier, or of the disputed territory to the *south* or *east*, or *north* of Nacogdoches, you will in that case employ the forces of your command to arrest or otherwise restrain them from such hostility, notifying the commanding officer here of their *position, probable numbers* and *conduct;* to the end that the forces at this place may promptly support and co-operate with you, in their arrest or punishment. But you will not attack them without evidence of their hostility, demonstrated by their *conduct* rather than by their threats, taking care to conform strictly to the precautionary measures prescribed in the instructions herewith enclosed, as well as the general regulations of the war department.

You will keep the commanding officer at this place, and at Fort Towson; informed of every movement, and every measure, connected with or embraced in the directions and duties assigned to you.

I am, very respectfully, your obedient servant,

(Signed) EDMUND P. GAINES,

Major general commanding.

To the officers commanding the U. S. troops at or near Nacogdoches, near Texas.

CORRESPONDENCE ON TEXIAN AFFAIRS IN PHILADELPHIA.

To the editor of the Inquirer and Courier:

South Ninth street, August 3, 1836.

SIR: The article published in your paper of the 29th ult. appointing me an agent in the Texian affairs, so far as respects myself is improper. No one was warranted to appoint me.

To correct the error, I request you to insert in the Pennsylvania Inquirer and Daily Courier the paper that accompanies this. It is a copy of a letter addressed to "John Swift, esq. or any member of the committee," and was delivered to John Hemphill, esq.

As I see no notice taken of the request it contained, I find it due to myself, and opinions in this case, to ask this act of justice at your hands, and I present the same request to the editors of such papers as published the appointment, to insert in their papers the letter addressed to Mr. Swift. Very respectfully, I am your obedient servant, JAMES RONALDSON.

The following is a copy of the paper referred to by Mr. R. in the above letter.

South Ninth street, July 29, 1836.

SIR: In this morning's Pennsylvania Inquirer, I observe that at a meeting, where you presided as chairman, I was appointed a member of a committee connected with the affairs of Texas.

I am sorry that the person to whom I am indebted for the nomination, overlooked that courtesy we owe to each other.

On occasions such as this, it is proper to inquire of the proposed agent if it would be agreeable for him to accept the office. Had such an inquiry been made on the present occasion, there would not have been cause for troubling you or the public with an individual's private reasons for declining the appointment.

I have yet to be informed that the projected independence of Texas is to benefit the United States as a nation, or add to the happiness of my fellow citizens; and as to its accession to the United States doing good, that is out of the question. We have already a territory tolerably compact, and quite as large as can be used for many centuries to come, and which has a diversity of interests sufficient to give occupation to all the skill and patriotism we possess, applicable to the mighty duties of government. And I see in this affair the elements of great injury to one of our important branches of industry.

Every reflecting man must see that Texas, whether as an independent state or an integral part of this union, or cultivating cotton with slaves, the effect must be to bring more rivalship into the selling market, by which prices will be reduced, at the same time the Texian market will increase the price of slaves; and, consequently, the cost of making cotton will be enhanced in the United States, and the planters be subjected to a twofold loss.

My feelings are for the comfort and happiness of the people of this union, and I cannot see that the enhancing the cost of making cotton here, and increasing the quantity grown in other countries, is to do us good. This is one reason for my not interesting myself in Texian affairs.

In the next place, we must recollect that like causes produce like effects. Heretofore our republic has excited in the European powers no fretful jealousies of our acquisitions; influencing the "balance of power," this Texian affair has in it much of the elements of causing such a ferment; the treaties, quarrels and wars this principle has caused, and their effects are well known. Let us ask, what would be the condition of Turkey if Russia had not been held in check by the fears of European powers keeping her Czars from extending their empire to the Dardanelles?

I have no desire that there should be cause for any power suspecting the United States of intentions to carry their rule to Mexico. I hope no such idea will be entertained, because such an intention would not add to the durability of the United States, and of a certainty it would injure the general happiness, virtue and independence of my fellow citizens. This is another reason for my declining the appointment you have made.

It is possible that citizens may differ in their views of foreign policy, and at least some of the parties be wrong. But as it respects ourselves, I hope we will be perfectly united in efforts to keep from our land distress or dishonor—recollecting the good example we have in Washington, Franklin, Jefferson and others, whose virtues I hope will not be lost as examples for ourselves, or the Washingtons or Franklins, if such there be, either in Texas or Mexico.

Be pleased to notify the gentlemen who are interested in the affairs of Texas, that I respectfully decline the appointment referred to. With sentiments of respect, I am your obedient servant, JAMES RONALDSON.

To John Swift, esq. chairman of a meeting held in the Masonic Hall, July 29, 1836, *or any other of the committee.*

P. S. Please have the goodness to cause this communication to be inserted in those papers that published the appointment.

MILITARY ADVANTAGES OF RAIL ROADS.

General Gaines, of the U. S. army, in a long letter respecting certain proposed rail roads in Tennessee and the neighboring states, takes the following professional view of the subject. It probably has not occurred to most people to consider it in this light.

"In reference to the military aspect of the subject of rail roads with steam power applied to vehicles of land transportation, I have much to say, more, more indeed, than I can flatter myself with a hope that the committee of the legislature would feel inclined during the present season to hear. It is a subject so entirely within the unquestionable sphere of my professional vocation—a subject, too, of such tremendous and awful import, when taken into consideration of the national defence, that I have felt it to be my duty, for some 5 years past, to devote my attention to it, as I ever deemed it, in obedience to my official oath, to meet in battle my country's enemies. It is tremendous and awful, because it is destined soon to enable us, the people of the United States, with the aid of our state governments and our United States government, to wield with irresponsible effect all the vast elements of the military power and countless resources of the central and interior states and districts, to any threatened point of our national frontier, in time to crush the invader, strong as he may be, before he could possibly take any one of our first rate fortifications, if prepared for a vigorous defence; and without an expense of more than one-tenth of time or of money than the present and all former means of national defence required—with little or no expense on our part of health or of life. The subject is awful, because it places at the control of instructed man, a power hitherto, from the beginning of the world up to the present age, was believed to belong only to HIM who created and who controls the elements of all power! It presents to us the means of wielding, without the usual animal power, from this spot to an Atlantic seaport, distance 600 miles, with 72 locomotive engines, an army of 100,000 men, and 600 tons of cannon or other arms, in 60 hours—in the short space of 60 hours! A cargo of men and arms that would, with our present roads, require 36,000 draught horses and 6,000 wagons, to convey the baggage and ordnance and stores of this army the same distance; whilst the 6,000 wagons and the 36,000 horses would cost $3,000,000
The cost of the 72 locomotives, at $5,500 each, would be but 396,000

Making a difference of $2,604,000

With rail roads, such as those which I have deemed it to be my duty to advocate, this disposable force may be thrown, in 4 days' time, from these central states to any section of the national frontier, in season to meet and beat an invading foe, before he could possibly take, by the best means of approach yet devised, any one of our strong fortifications. Whereas, without rail roads, this great disposable force would waste millions worth of health, and life, and treasure, in vain efforts to meet the invader, without being able to find any other trace of his footsteps than such as may be marked with his rifle and sword. He will have time to land and to measure his strength with the gallant bordermen that may happen to be near the point of attack; and when, whether repulsed or victorious, the enemy will have withdrawn from that point, and, by the aid of steam power applied to his fleet; he will have directed his attention to some other vulnerable point, where he may be least expected, and where he will have time to re-enact his tragedy of fire and desolation. And in this way, our whole Atlantic and Mexican border may, in a war of two or three years, be completely overcome, and sacked to an amount of property (to say nothing of national honor) more than sufficient for the construction of ten such rail roads as those which I have advocated; and these disasters may be effected by a force of less numerical strength.

[*American Magazine of Useful Knowledge.*

DINNER TO THE HON. J. J. CRITTENDEN.

A number of the citizens of Frankfort and Franklin county, (Kentucky), according to previous arrangements, convened together at the spring at Bellefonte, (in the vicinity of the town), on Saturday week, for the purpose of extending to their distinguished fellow citizen, the hon. *J. J. Crittenden*, the compliment of a public dinner, as a testimonial of the high regard in which they hold his public and private character. At least five hundred persons were present to partake of the festivities of the day, and every one in that large assemblage felt and expressed the sentiment of a cordial "welcome home" to their "neighbor and friend." The following are a few of the regular toats:

The senate of the United States—Glorious body! where the states shine like a constellation. Kentucky's blaze is not lost in the glare of that gataxy!

Our guest, the hon. J. J. Crittenden—We sent him abroad because he loves his country and its constitution; he has vindicated the true glory of an American statesman. He has won new honors for his state and himself in the senate—he deserves them, and he wears them well. His name is now woven in the web of his country's history—his fame is identified with its glory. We welcome him home, and hail our neighbor and friend.

Henry Clay—Virginia claims him, but she is selfish, though she boasts his birthplace; Kentucky claims him, but she is selfish, though he is a Kentuckian; America claims him, but America too is selfish, though he is an American; he belongs to the whole civilized world—to whatever climes appreciate human liberty; his name belongs to history—his fame to eternity.

His excellency governor Morehead—The genius of internal improvement has graven his name forever on the rocks and cliffs of our rivers—on every highway and road; this is glory enough for the *Kentucky* statesman; but Kentucky has other works of glory to accomplish on a broad theatre, worthy his expansive mind, and her voice proclaims, "thou art the man."

James Madison—The father and expounder of the constitution; the pure and lofty patriot; the chaste and incorruptible statesman; the ripe scholar, the profound philosopher, the unblemished citizen; his private life was as exemplary as his public one was useful and glorious. He has gone down to the tomb with the blessings of earth and heaven on his head.

THE CORAL FISHERY.

The time for the coral fishery in the Mediterranean is from the middle of April to the end of July. It is fished up in the following way. There are generally seven men to a boat, six of whom manage it while one is the fisher. The machinery employed for tearing the coral from the bottom of the sea consists first of all two beams crossed, and tightly fixed at right angles to each other, with a leaden weight to press them down; to these beams they fasten a great quantity of hemp loosely twisted, among which they mix strong nets. When the machine has been let down into the sea and the coral is thought sufficiently entangled in the hemp and nets, they draw it out by a rope which they unwind according to the depth, and which sometimes requires half a dozen boats to draw it. The operation is toilsome, and even attended with danger. * * * * Do not hypercritically chide me for dwelling so long on the subject of this substance. A bit of ornament and a bauble it is, I grant you; but remember that the coral insect, though a very little gentleman, is more important in one respect than Columbus himself. He is not a finder of islands and continents, but a founder of them. This thing, though but recently admitted to be a living creature, encroaches on the ocean itself; diminishes his dominion, increases the proportion of habitable land on our planets and contributes with the submarine volcano, to change the aspect of the world. The volcano, as an agent of nature, does his business with terrible despatch; he heaves up the bottom of the sea to a moderate distance from its surface and there leaves a submarine rocky bank; but in a thousand instances this bank would emerge from the ocean as an island, unless the little coral insect set to work in building his house upon every hard substance that he can find at the bottom of the sea. When the first generation of these animacules ceases to live, their structures adhere to each other by virtue either of the glutinous remains within them or of some property in salt water, and the interstices being gradually filled up by sand and shells, a mass of rock is at length formed. Future races of these animacules erect their habitations upon the rising bank, in their turn to increase but principally to elevate this monument of their wonderful labors. An able voyager (capt. Flinders) who had written on the formation of coral reefs, observes that "the care taken to work perpendicularly in the earlier stages marks a surprising instinct in these diminitive creatures; for when their wall of coral, which is erected for the most part in situations where the winds are constant, arrives at the surface it affords a shelter, to the leeward of which their infant colonies may be safely sent. To be constantly covered with water, seems to be necessary to the existence of the coral insects, and therefore their habitations are always under the sea's surface. But above their habitations matter accumulates till it overtops the waves at low water, and this matter being exposed to the action of the air, loses its adhesive property, salt plants take root upon it, and a soil begins to be formed. Ere long the bank is visited by the sea-bird; by and by the nut of the cocoa or the pandannus is thrown ashore, and the wearier land-bird, resting on his wings on the soil, deposit on it the seed of herbs and trees. Every tide and every gale adds something to the bank, and it gradually spreads into an island of luxuriant vegetation. Man comes at last to take possession of the new estate and he may well say that the architecture of an insect has laid the foundation of his property.

[*Letters from the south in the New Monthly,*

LOANS OF PUBLIC MONEY

TO MEMBERS OF CONGRESS AND PUBLIC OFFICERS.

House of representatives, July 2, 1836.

Mr. *Hunt*, from the select committee to which the subject had been referred, made the following report:

The select committee, appointed under the resolution of the 20th day of June, 1836, "to inquire whether any member or members of congress, head or heads of departments, or any other officer of government, have received any accommodation or facilities from any person or persons, bank or banks, in the employment of the government, or not, in obtaining the use of the public money for the purpose of speculating in the purchase of the public lands," report:

The committee, anxious to submit to the house the result of their investigations at as early a day as possible, addressed a letter to the secretary of the treasury on the 22d of June, asking the names of the deposite banks, where located, and the names of their respective presidents and cashiers. This information

was furnished by the secretary, under date of the 23d of June. On the 24th of June, the committee directed the following letter to be sent to the Girard bank, Philadelphia, the Moyamensing bank, of the same city, the Union bank, Baltimore, and the bank of the Metropolis, Washington city, viz:

Committee room, June 24, 1836.

SIR: I am instructed by the select committee to carry into effect a resolution passed by the house of representatives of the 20th instant, to transmit to you a copy of said resolution, and also a list of the heads of the several departments, and a list of the members of congress, the better to enable you to give your statement on the subjects of inquiry.

The committee are not able to furnish you with a complete list of the others officers embraced in the resolution; the inquiry, however, is as comprehensive as the resolution, so that, if you are possessed of any information connecting any officer or officers of the general government of the United States with the subjects of inquiry, you will be pleased to set it forth in your statement.

The first branch of the inquiry relates to any accommodation or facility that any member or members of congress, head or heads of departments, or other officer or officers, may have obtained from any person or persons, bank or banks, in the employ of the general government.

The secretary of the treasury has informed the committee that the——— bank is employed by the government as a bank of deposite, and that you are the president of said bank. You will be pleased to state whether any person embraced in the resolution has obtained any accommodation or facilities from said bank, either directly or indirectly, or from any person or persons having any general or special management or control of any of the business of said bank; and, if so, state the name of such member of congress, head of department or other officer, and the kind of accommodation or facility he or they so obtained out; and to what amount or extent.

The second branch of the resolution relates to the purpose for which the accommodation or facility was obtained.

If you answer in the first branch of the inquiry affirmatively, you will then state whether, according to the best of your knowledge and belief, such accommodation was obtained or used for the purpose of speculating in the purchase of the public lands, and the grounds of your knowledge or belief.

I am instructed to say that your answer to the foregoing inquiries will be strictly confidential, except so far as the answer may have a direct reference to the object of the resolution.

I am, &c. &c. H. P. HUNT, *chairman*.

On the 25th of June, the same letter was sent by mail to the following deposite banks in the city of New York, to wit: the Manhattan company, the Mechanics' bank, and the bank of America.

To the circular addressed to the bank of the Metropolis, the following answers were received from the cashier and president, under dates of the 25th and 27th June:

Bank of the Metropolis, Washington, June 25, 1836.

SIR: I had the honor of receiving, by the hands of gen. Van Ness, your communication of yesterday's date, directed to the president or cashier of this institution, with a copy of the resolution under which your committee acts.

I can at once briefly give a general negative to the inquiry contained in the resolution, so far as relates to this bank. But permit me respectfully to add, as explanation, that we have, indeed, for many years past, been in the habit of making occasional loans to members of congress, heads of departments, and other officers of the government, among numerous borrowers; the number and amount of them, though still moderate, has increased of late years; since, our means have also been increased. But never have we loaned any money to them, either before or after we became a deposite bank, except such as we considered under our own exclusive control. We have, it is true, and long have had, both *public* and *private* deposites in our vault, which, when received, pass immediately into the general mass of stock of our means; but we loan, *on the whole*, without distinction or discrimination, according to our own discretion, unrestrained by any other consideration, as relates to depositors, than that we must always be ready to repay the amount of their respective deposites on demand. We consider the deposites by the government converted into private funds, at our sole disposition, for future active use, (having bound ourselves in ample security for their repayment), under no control of the secretary of the treasury, or any other authority, or individual. The secretary has no knowledge of, nor is he consulted about, our loans to individuals, either public or private; in fact, we consider them as loans of our *private funds*, although we have received a part of them, on general deposite, from the government.

Therefore, sir, I answer, that we have made no loans, nor given any accommodation or facilities, in obtaining the use of the "public money;" still less so for any known purpose of speculation in the purchase of the "public lands," to either or any of the descriptions of individuals mentioned in the resolution.

This is the way in which we have always considered the relation between the loans and deposites, and their reference to each other.

The president of this institution is preparing a communication to you, which you will soon receive. I have the honor to be your most obedient servant,

GEO. THOMAS, *cashier*.

Hon. Hiram P. Hunt, chairman, &c.

Bank of the Metropolis, June 27, 1836.

SIR: I had the honor of receiving your communication of the 24th instant, to which was appended a copy of the resolution of the house of representatives, passed the 20th, under which you act.

In the third paragraph of your communication, intended as explanatory of the resolution, and specifying the particular points of inquiry, you say, "you will be pleased to state whether any person embraced in the resolution has obtained any accommodation or facilities from said bank, [of the Metropolis], either directly or indirectly, or from any person or persons having any general or special management or control of any of the business of said bank; and if so, state the name of such member of congress, head of department, or other officer, and the kind of accommodation or facility he or they so obtained from said person or persons or bank, the time or times when obtained, its character, and to what amount."

In relation to this inquiry, sir, permit me respectfully to observe, that, by the 1st and 6th sections of the act of congress, entitled "an act to incorporate the subscribers to certain banks in the District of Columbia," &c. (of which this bank is one), approved March 3d, 1817, "the president and directors of each bank have full powers to make, revise, alter and annul all such rules, orders, by-laws and regulations for the government of said corporation, and that of its officers, servants and affairs, as they shall, from time to time, think expedient, subject only to the restrictions herein [therein] contained."

By the 14th article of our by-laws, afterwards adopted in pursuance of the above provision, after having been reported by a committee of our board of directors, of which committee one of the most distinguished lawyers in the country, (judge Duvall, of the supreme court of the United States), then one of its directors, was chairman, it is provided "that every transaction at the board relative to paper offered, or the amount discounted, and the debts due by individuals to the bank, are to be considered *confidential* by the directors and officers of the bank."

And it is further ordered, that "the officers shall take an oath for the faithful discharge of the duties entrusted to them."

This 14th regulation has been strictly adhered to; and, in accordance with its principle, by the articles of agreement between the secretary of the treasury and the bank on the 9th of October, 1833, in relation to the reception and management of the public deposites, it is, among other things, stipulated that the secretary or his agent shall have a right, at any time, to examine into the books and affairs of the bank, "*except the current accounts of individuals, or as far as is admissible without a violation of the bank charter.*"

Now, sir, without going into any argument or discussion on the subject, I respectfully submit to you and the committee the question whether, in the absence of any provision in the act of congress (charter) obliging or authorising us to expose the private and individual accounts or concerns of the customers and dealers of and with the bank, and with the prohibitory by-laws referred to, (of which your committee, I suppose, were not before apprized), before us, whether, under these circumstances, a compliance with the above requirement of the committee will be pressed upon us?

Far from wishing to avoid the most critical scrutiny, as relates to ourselves, into our affairs, or our administration of them, we are unwilling to treat those of our customers in a manner which may be considered as a breach of faith.

An application, understood to be similar in principle to that of *your* committee, as above stated, was some time ago made to us by *another*, and I then presented to that committee precisely the same case or difficulty which I now do; but was afterwards informed by them that they did not mean to interfere with the principle of the by-law referred to.

I presume, sir, that you would consider it useless for me, at present, to add any remark applicable to the second branch of the resolution as stated by you.

Begging you to be assured of my disposition to give you and your committee every useful and satisfactory information on this or any other subject, I have the honor to remain, sir, your most obedient servant,

JOHN P. VAN NESS, *president*.

Hon. Hiram P. Hunt, chairman, &c.

N. B. The cashier, I understand, has written to you, and I hope in a manner that may be considered correct and satisfactory.

On the 24th June, subpœnas were issued to three witnesses in the city of Washington, requiring their attendance before the committee on the 25th of June. These witnesses have been examined by the committee, under oath, and the following is the evidence given by Preston S. Loughborough, one of said witnesses:

Preston S. Loughborough, sworn as a witness by Samuel Burch, justice of the peace.

The witness states that he resides in Washington city, District of Columbia, and is the chief clerk in the post office department. He has understood that two or three joint stock companies have been formed, and have purchased public lands and Indian reservations, and that officers of the government and members of congress are connected with them.

Question by Mr. Hunt. Who are those officers of the government or members of congress?

[Mr. Loughborough wished for time, and promised to deliver his answer to this question in writing.]

Mr. Loughborough presented in writing the following answer to the question yesterday propounded to him by Mr. Hunt. The committee thereupon resolved that the answer was not satisfactory, and that the witness be required to state the names of the persons alluded to in the question, which he declined doing, for the reasons stated in his written answer.

Mr. Loughborough's answer.

In regard to some of the persons, my information is merely from hearsay, and therefore not evidence from me to the committee. As respects the others, their transactions have no connexion whatever, so far as I know, with the public money, or with any bank in which it is deposited. I do not conceive their names or affairs can be important or useful to the committee, in a public view, any more than any other private transaction of a friend made known to me, in which he has purchased a farm, sold a horse, or become a member of a company for commerce or manufacture. If the persons of whose interests I speak (and they are interests in which I have no concern) had acquired them by means of loans or accommodations of the public money, obtained for that purpose from deposite banks, I should not hesitate to state their names, and what I might know, if any thing, of their loans or accommodations. But I know of no case in which a loan of any money, public or private, has been obtained from a bank for the purpose of speculating in the public lands.

From the Union bank of Maryland an answer was received on the 26th June, under date of the previous day. From the Girard bank an answer was received on the 28th June; and from the Moyamensing bank, and those addressed in the city of New York, answers were received on the evening of the 29th June.

On the 29th June, the committee, finding themselves greatly embarrassed by their labors in the house, at the most critical period of the session, and viewing the shortness of the time left them, even if otherwise unengaged, to pursue the delicate and important inquiries committed to them, resolved to suspend further investigation, and to submit a history of their labors to the house.

After the committee had come to the above resolution, the following letter was received from the president of the bank of the Metropolis, under date of the 29th of June:

Bank of the Metropolis, June 29, 1836.

SIR: I have not had the honor of a reply to my communication to you of the 27th instant. After having stated to you, both personally and in writing, what were my difficulties and embarrassments, which I understood you in conversation to be sensible of, and thus done justice to the institution over which I preside, and to its customers, as well as to myself, I intended decidedly, as I presume you understood from my letter, to be governed in the case by the final decision of the committee. But to prevent any erroneous inference, or possible doubt, I have now the honor to add, that all the books and papers in the bank are completely open to you; and every facility will be given there by every officer of the bank to promote your inquiries, which we wish limited only by the discretion of the committee, and such regard for established usage as they shall think not interfering with the legitimate objects of their inquiry. Or, if the committe prefer to state any specific cases or inquiries they shall immediately be attended to.

The scope of the resolution and inquiry is so extensive and indefinite, as to embrace a great part of the operations of the bank: and overloaded as we all are by an extraordinary pressure of business at this time, our books also being constantly required at bank, I take the liberty of respectfully suggesting what is the most convenient mode for us, and what will probably be the most satisfactory to the committee of accomplishing their object. I have the honor to be your obedient servant,

JOHN P. VAN NESS, *president.*

The committee have not deemed it proper, in the present stage of their investigation, to present to the house the whole testimony taken by them, nor to report the answers received from the various banks, other than those from the bank of the Metropolis.

Should the house be of opinion that the inquiries embraced in the resolution ought to be prosecuted, the committee would then ask for an increase of their numbers to nine, and for liberty to sit during the recess of congress; and that the resolution be amended so as clearly to embrace any connexion between deposite banks or others, and the land offices, for the purposes of speculation.

And with that view the committee ask leave to submit with this their report the following resolutions:

Resolved, That the select committee appointed by this house on the 20th June, 1836, be increased to nine, and that said committee have power to sit during the recess of this house.

Resolved, That said committee embrace in their inquiries any connexion between deposite banks or others, and the land offices, for the purposes of speculation.

Resolved, That said committee inquire how far, and to whom for speculation in public lands, the deposite banks have issued certificates of deposite without an actual deposite in cash, and to what extent they have been received in payment for purchase of public lands at the several land offices.

Resolved, That said committee inquire how far, and to what extent, combinations in the purchase of the public lands have been formed or are forming, sufficiently strong, from interested motives, to control, to any extent, the legislative action of congress.

Remarks of Mr. Hunt on presenting the above report.

Mr. Speaker: From my connexion with the committee submitting the report just read at your table, I may be permitted, I trust, without wishing to provoke a protracted debate at this stage of the session, to submit a few remarks in reference to the labors of the committee, and the nature of their report.

Sir, this committee was raised on the 20th June, 1836, in pursuance of a resolution which I felt it my duty to submit. The committee met and organized for business on the 22d June. They felt deeply the embarrassments of their situation, called, as they were, to institute inquiries of the most important and delicate nature, at a period of the session requiring all their strength of body and mind, in the discharge of their duties in the house. The members of the committee, notwithstanding these embarrassments, proceeded at once to execute the high trust confided to them. A note was directed to the secretary of the treasury, asking for such information as would enable the committee to address inquiries to those deposite banks from which answers might reasonably be expected during the present session of congress. That call upon the secretary was promptly and fairly met, and various banks were addressed by the circular set out in the report. From the deposite bank of this city no answer was received until Sunday night, the 26th of June. That answer was laid before the committee on Monday morning, the 27th June. From the same bank a further answer was received, and the committee, anxious to do no injustice to the bank, have considered it proper to place before the house those answers entire. The committee have submitted no comments of their own upon the logic or ingenuousness of those answers, but have left it entirely to this house to say how far a course of special pleading on the part of a moneyed institution, in an inquiry of this kind, shall be tolerated by congress. Then, with regard to the witness, Loughborough, the committee, to avoid all imputation of injustice, have preferred to give his testimony entire in the words furnished by himself, after abundant time given for reflection, (if not consultation), and that, too, without any remarks of theirs as to the singular course taken by the witness, under such circumstances.

As regards the third and last communication received from the bank in this city, and set forth in the report, it is only necessary to say, that it came too late to enable the committee to profit by the facilities therein proffered. The bank *now* proffers an examination, and I stop not to inquire whether this is the result of better reflection, or of that kind of advice (equivalent to a command) proceeding from a high personage, who at least has never been obnoxious to the charge of evasion or duplicity.

Mr. Speaker, I have made these remarks in justice to the gentlemen associated with me on this committee, and trust the house will feel that the committee have lost no time in prosecuting the inquiries committed to them.

The question is now presented for the consideration of the house, whether this inquiry shall be prosecuted to a final result, or be ended, for the *present*, in an imperfect, unfinished state. In favor of prosecuting the inquiry you have the unanimous opinion of the committee, as expressed in the resolutions accompanying their report.

This question of investigation by a committee of this house was yesterday argued by gentlemen as though its only object was to aid the judicial tribunals of the country in detecting and punishing the guilty. Again, it was urged that no good had ever resulted from such investigations. Sir, I deny that the *principal* object of investigation is to aid your courts of justice, or to bring the guilty to punishment. That consequence may, indeed, and often does, flow from it; but the *primary* object is to correct your legislation in reference to the great interests of the country; you cannot point your legislation until you understand the nature and extent of the evils to be remedied. And how are you to ascertain those evils, and their extent, but through an investigating committee? Sir, talk not of referring for a redress of grievances to executive officers, some of whom stand charged; in the eyes of the community, with the very offences sought to be redressed; but rather trust this office to your own body—to gentlemen amenable to this house, and, more than that, amenable to their constituents, for the faithful discharge of their duties.

In your public lands you have a domain, if properly used, of incalculable value. But, sir, if the abuses charged in the land offices really exist, and we cannot, for want of information, correct them, better would it be for the morals of this country, and the stability of this government, to cede at once, nay, to sink this domain.

You have two Indian wars now raging in your country, at an immense cost of blood and treasure, and these wars openly charged to the mal-conduct of speculators and government officers, and yet you refuse all efficient inquiry. But for inquiries instituted by this house, the nation, in all human probability, would still have labored under the former abuses of the post office department. That inquiry, though conducted by a committee raised in high party times, and composed of the most opposite political elements, led to a radical reform of that department.

Why oppose free and full inquiry into alleged abuses? It is said these inquiries cost money. Be it so. Think you the peo-

ple of this country value money, sordid pelf, when required in defence of their rights, or in reforming the abuses and corruptions of those in the high places of government? Inquiring committees should not, indeed, be raised upon slight grounds; but in cases of strong probable cause, I hold it be our duty to inquire. In the monarchy of England it has long been settled as the law of parliamentary proceeding that newspaper reports furnish a ground of inquiry, and Mr. Jefferson, in his manual, has given the sanction of his high authority to the English doctrine. In the present instance, the inquiry is asked, not upon rumors merely, but upon evidence and deliberate opinion of a committee, after having given much attention to the subject.

Will gentlemen suppress inquiry from considerations of party? Far gone, indeed, must that party be that can use its ægis to shield peculation, corruption and crime.

If the present inquiry is to be prosecuted, the committee ask for an increase of their numbers. This has appeared to them necessary in reference to the multifarious nature of their duties; but should the house be of opinion that the present number is sufficient, they can readily modify this or any and all of the resolutions reported from the committee. One word as to the resolution enlarging the shape of the original one. It has been submitted in order to avoid all cavil, and to reach *alleged* abuses most alarming in their nature and extent. Now, sir, as to the proposition of the committee to sit in the recess of this house. An affected sneer has been attempted as the readiest mode of *evading* this entire question from a quarter that, with *my knowledge* of the situation of gentlemen, I confess has not a little surprised me for its boldness and effrontery. Let me tell gentlemen that in this or any other matter I am not to be deterred from my duty; nor will an intelligent people, in matters of high importance to their interests, receive the *sneers* of the *suspected* as a satisfactory and exculpatory answer. Sir, it needs no argument from me to prove the utter impossibility of pursuing an inquiry of the kind proposed during the *session* of this house. During the session gentlemen have duties to their constituents, connected with your daily legislation, which may not be disregarded—duties the discharge of which requires their constant attendance in the house. Under such circumstances, gentlemen cannot bring to the inquiry that physical strength and undistracted mind absolutely necessary for its prosecution.

In conclusion, sir, permit me to say this case is now before the house with full power to give to it its proper shape and direction. Whatever may be that determination, the committee will feel that they have fearlessly and faithfully discharge their duty, having no private griefs to redress, and anxious only for the purity of their country's legislation and the stability of its government.

[The above report was, after these remarks by Mr. *Hunt, ordered to lie on the table:* and so the matter ended.]

CHESAPEAKE AND OHIO CANAL COMPANY.

MEETING OF THE STOCKHOLDERS.

Thursday, July 28, 1836.

The stockholders of the Chesapeake and Ohio canal company assembled this day in general meeting, according to the order of adjournment on the 18th instant; the *mayor of Washington* in the chair.

PRESENT—The state of Maryland, by Benjamin S. Forrest and James W. McCulloch, esquires.

The corporation of Washington, by the mayor, George Watterson, G. C. Grammar and Jonathan Seaver, esquires.

The corporation of Alexandria, by the mayor, Hugh Smith, A. C. Cazenove and R. H. Miller, esquires.

The corporation of Georgetown, by the mayor, Wm. S. Nicholls and James Dunlop, esquires.

Also, the proprietors and representatives of a considerable amount of stock held by individuals.

The chairman of the general committee returned to the board the special report of the president and directors of the company on the subject of agreements with the parties who claim the water power of the Little Falls of the Potomac, together with the papers in relation thereto, referred to the committee on the 18th instant, and asking that the committee may be discharged from the consideration thereof. It was, therefore, ordered, that the committee be discharged from the further consideration of the subject.

The president of the company laid before the meeting a copy of the following proceedings of the stockholders of the Baltimore and Ohio rail road company; which, on being read, was ordered to lie upon the table:

At an adjourned meeting of the stockholders of the Baltimore and Ohio rail road company, held at Commerce street hall, on Saturday, 23d July, 1836, at 10 o'clock, A. M. hon. Nicholas Brice in the chair; John J. Donaldson, secretary. The committee appointed at the last meeting made the following report and resolutions:

Whereas, from the proceedings of a meeting of the stockholders of the Chesapeake and Ohio canal company, held on the 18th July, 1836, it appears that, to obviate doubts and prevent future collision between that company and the Baltimore and Ohio rail road company, the canal company before definitive action upon the act of the general assembly of Maryland, passed at its last session, entitled "an act for the promotion of internal improvement," is desirous of coming to an explicit agreement with the Baltimore and Ohio rail road company, to the following effect:

First. That the permanent bridges across the canal of the canal company, authorised to be erected under the provisions of the third section of said act, shall not be built at an elevation of less than seventeen feet above the water line of the canal; and that where the rail road company shall desire bridges of a less elevation, they shall be pivot bridges, or be constructed on such other plan as may be agreed on between the two companies.

Second. That in the places where, under the first, second and third sections of the said act, a joint construction of the works of the two companies shall occur, the slopes of the river wall of the canal shall be of such inclination as has been adopted, for the necessary security of the canal at other places upon it.

And whereas it appears to this meeting that these propositions may be acceded to without disadvantage to the rail road company; and it is just that stipulations asked for with declared views to the peace of the two companies, and the harmonious prosecution of their works, and to prevent "*protracted, expensive and uncertain litigation,*" and to seek only to secure the free and safe navigation of the canal, and upon the faith of the canal company proclaimed to be intended to assure only what "*experience has induced them to believe essential to the stability of their work,*" should with a responsive spirit of conciliation, be accorded:

And whereas it appears that, upon these propositions, and others being submitted by the directors of the canal company to that of the rail road company, the latter declined acceding to them, under a persuasion that it was not, antecedently to the adoption of the act by both of the companies, authorised to enter into any arrangements modifying its provisions or regulating its operation: and whereas it is the desire of the stockholders of the rail road company that such authority should be conferred: therefore,

Be it resolved by the stockholders of the Baltimore and Ohio rail road company, in general meeting assembled, as the opinion of the said rail road company, that the Chesapeake and Ohio canal company (notwithstanding their acceptance of said act) should have and exercise the right and privilege of determining by their engineers, and to that determination conforming in the construction of their work, the proper slope or angle of the river wall of their canal; being such slope as that company has adopted at other points on their canal for its security, at all places where the canal and rail road may come in contact, in the course of the joint construction contemplated by said act, so, however, that said slope, as so determined, shall not prevent, retard or interfere with, the location of the rail road, as the same may be determined by the commissioners mentioned in the third section of the act aforesaid: and further, that wherever it may be necessary, as provided for by said third section, for the rail road to cross the canal, if the crossing be by permanent bridges, they should be erected at the elevation of at least seventeen feet above the water line of the canal, or of as great an elevation as that of the bridges now about to be constructed over the canal at Harper's Ferry; and that where the elevation of the rail road above the canal may not admit of such height for the bridges, they should be made to work upon a pivot, or with a draw, and so as to create no difficulty in navigating the canal. And the president and directors of the Baltimore and Ohio rail road company are hereby authorised to stipulate and agree with the president and directors of the Chesapeake and Ohio canal company, in conformity to the opinion of this meeting, now expressed. And the faith of the Baltimore and Ohio rail road company is hereby pledged to the Chesapeake and Ohio canal company, that after the act aforesaid of the general assembly of Maryland shall have been accepted by said canal company, the said canal company shall have and enjoy the rights and privileges aforesaid in relation to the slope of their canal, and that the rules and terms aforesaid respecting said bridges shall be applied to the construction thereof.

Be it further resolved, That a copy of these resolutions, signed by the chairman and secretary of this meeting, be transmitted by the chairman to the president and directors of the Chesapeake and Ohio canal company, to be submitted at the next meeting of the stockholders of said canal company, and that a similar copy be transmitted by the chairman to the president and directors of the Baltimore and Ohio rail road company.

N. BRICE, *chairman.*

JNO. J. DONALDSON, *secretary.*

George Watterson, esq. offered the following resolution:

Resolved, That no payment shall be made from the funds of this company to any person or persons for attending before the congress of the United States, or the legislature of any of the states, to obtain the passage of any law, nor for any services rendered in promoting the passage of any law, except for the travelling and other necessary personal expenses of such persons as may be authorised by the president and directors to attend for that purpose.

On motion of Mr. D. Green, the resolution was laid on the table.

Charles F. Mayer, esq. laid before the meeting the following copy of certain proceedings of the governor and council of the state of Maryland; which, on being read, was laid on the table:

State of Maryland, in council, July 26, 1836.

Whereas, by the eighth section of an act of the general assembly of this state, passed at May session, 1836, entitled "an act for the promotion of internal improvement," it is provided that "as to the said subscription to the stock of the Maryland

canal company, before the subscription shall be made, it shall, upon reports and estimates to be submitted to the governor and council, after an actual survey of the said routes, by engineers to be appointed as hereinafter prescribed, be, by their judgment, ascertained whether, and at what expense, the construction of the said company's canal, with due supply of water, be practicable, from the Chesapeake and Ohio canal to the city of Baltimore, by the valleys of the Monocacy and Patapsco, or by a route diverging from the Chesapeake and Ohio canal, at the mouth of Seneca river, exclusively within the limits of this state; and in order to said decision, the governor and council may act upon any report and estimates of any engineer or engineers of said company, and of the mayor and city council of Baltimore, and upon those of any that by the governor and council may for the purpose, at the expense of said company, be appointed, who are hereby authorised and directed to appoint an engineer for that purpose."

And whereas the governor and council appointed Charles B. Fisk, esq. engineer, on the part of the state, and the said Maryland canal company appointed George W. Hughes, esquire, engineer, on the part of said company, to make the necessary examinations, surveys and estimates, in pursuance of the aforesaid act: and whereas the said engineers have this day submitted to us the following report:

REPORT

To the governor and council of Maryland, as to the route of the Maryland canal.

Annapolis, July 26th, 1836.

The undersigned having been appointed to ascertain "whether and at what expense with due supply of water a canal be practicable from the Chesapeake and Ohio canal to Baltimore, by the valley of the Monocacy and Patapsco, or by a route diverging from the said Chesapeake and Ohio canal, from the mouth of Seneca, exclusively within the limits of this state;" have the honor to report that, under their direction two parties of engineers have been engaged during much of the present month, making such surveys as might serve to form a correct opinion upon the question submitted to them for investigation.

The attention of the undersigned was first directed to the supply of water for the summit level on "Parr Spring Ridge;" and a personal examination have satisfied them that the natural flow of the streams which have their rise in the ridge, was entirely inadequate to the wants of a canal of even the minimum dimensions prescribed for the cross-cut canal, and that therefore it would be necessary to collect into reservoirs the surplus waters of the winter and of the wet season, in order to meet the deficiencies of the summer and dry season.

To ascertain whether in this way by reservoirs "*a due supply of water*" for a summit could be had, we directed lines of level and of survey to be traced out, embracing all the areas of country which drain from a level higher than, or may be made available to, the several summits respectively.

For the commencement of our operations we selected a route as favorable as any, if not the most favorable of all—the one connecting the head waters of the Linganore with those of the western branch of the Patapsco, with the lower summit proposed by Brigg's in 1823.

The extent of drainage into the lower summit of the Linganore route from actual survey, conducted as above, is less than a surface of 20 square miles—an extent of country barely more than one-third of what we need, even if we could treasure up all the water of the winter and of the wet season.

The result of this minute and accurate survey is so decisive that in addition to a personal and careful examination of the country that can be commanded by a summit at any other point along Parr Spring Ridge, (having reference to the field notes of Brigg's survey of 1823, which may be fully relied on so far as accuracy of levelling is concerned), we feel called upon to express at once fully and decidedly our opinions and accordingly we do so—"a due supply of water" cannot be had on any line of canal crossing "Parr Spring Ridge."

This opinion is sustained in the strongest manner by the experience of the Union canal of Pennsylvania, on whose works it has been necessary to resort to artificial means to collect a sufficiency of water for the summit. A reference to the Union canal, is unhesitatingly made, inasmuch as the engineer on the part of the state has lately visited that work with the view of obtaining such information as might have a bearing on the subject under discussion—and we report that calculations of the supply of water furnished by a given extent of country, which can be made available through the natural flow of streams and the aid of reservoirs based upon the experience of the Union canal, sustain fully and unquestionably the opinion we have already expressed of the utter insufficiency of water to feed a canal of the assumed dimension and capacity of the Chesapeake and Ohio canal passing through Parr Spring Ridge, at any point within the limits of the state of Maryland.

Other routes than across the ridge have been suggested for a cross-cut canal, exclusively within the limits of Maryland.

It has been thought for instance that the waters of the Potomac might be brought down on a high level from the mouth of Monocacy, up the Seneca valley, thence nearly parallel to Parr's Ridge, along its south western base and around its termination at Vansville, by a route that would avoid a summit and admit a continuous descent to Baltimore. It has also been suggested in like manner to take the Potomac water from the Great Falls, from the Little Falls, or perhaps from some point higher up, and to pass along exclusively within the limits of Maryland, without a summit. All these plans we pronounce utterly impracticable, for we have proved them to be so by actual examination with the level.

A plan has been suggested for crossing Parr Spring Ridge, of which we have made no mention. It is to gather all the drainage of the western side of the ridge by running the canal up the Linganore, thence along the ridge and to pass through it at Westminster. This and all similar plans are more impracticable (if possible) than the direct route through the ridge.

Our examinations have brought us to the conclusion that the most northern practicable route from the Chesapeake and Ohio canal to Baltimore; and in fact the most judicious line for such an extension of the canal, is on or near the location traced by Dr. Howard, in 1827, through the District of Columbia—and as far as we are enabled to form an opinion, the estimate of cost submitted by Dr. Howard, on his plan, was substantially correct.

We have spoken of the "due supply of water." We will now show what we consider to be that supply. Its amount depends on the leakage of the summit level and that portion dependant on it for its supply—on the leakage of the lock gates—on the length, breadth and lift of the locks, and to some extent on the trunk of the canal, and lastly on the amount of tonnage which it is calculated to accommodate. In estimating the leakage of the canal and lock gate, the minimum amount on a *well constructed* canal has been assumed or ascertained from actual observations on canals in our neighborhood.

As it regards the dimensions of the locks in length and breadth, and of the depth of the trunk of the canal, the same dimensions have been taken as those adopted on the Chesapeake and Ohio canal, of which this should be considered as an extension. If otherwise. If the locks should be made shorter or narrower, or the trunk shallower, it would be as preposterous as to place an extension of a rail road with rails closer together or wider apart, so that the cars of the one could not pass on the other.

In regard to the width of the trunk and lift of the locks the undersigned have considered themselves at liberty to vary from the similar dimension on the Chesapeake and Ohio canal when called to do so by a scarcity of water—to continue the comparison, it is like increasing the grades on a rail road by which the useful power of a horse, or of a locomotive engine is diminished, or the capacity of the road lessened. In calculating the quantity of water required, the lift of the locks on those portions of the line dependant for their supply on the summit have been put at 4½ feet only. The effect this small lift may have as to loss of time in the transit of trade, and also the effect of narrowing (as we are compelled do) such parts of a canal as are deficient in water, come properly under the head of the capacity of such canals, when compared with other canals of larger expanse.

The probable amount of tonnage, or the number of *locks* full of water, that will be taken daily from the summit, is another very important element in estimating the requisite quantity of water.

Looking to the history of the inland navigation of the United States—to the Erie canal, with its 40 feet width and 4 feet depth, now in progress of enlargement to 70 feet width and 7 feet depth—originally with single locks, now in part with double locks, which will soon be the case along its whole line. Considering that this enlargement has been called for by the public in less than 12 years after its completion; and when we look further at the great increase of the western trade and its greater anticipated advancement, we do not feel justified in [taking as] the basis of our calculations less than a double set of locks in constant use.

With these elements of calculation 3,800,000 cubic feet will be daily required for a due supply of water.

In reference to the extent of country which will furnish this quantity of water we have already stated that the entire drainage of all the surface which can be commanded on any one of the summits is insufficient, and now add that it will furnish but little more than *one-third* of the water we deem necessary.

It may perhaps be said that in 1823, the commissioners appointed by the executive of Maryland to survey the same ground pronounced on the practicability of the route of the Linganore across to the head waters of the Patapsco, and that they speak with confidence of the supply of water. In answer to this we may reply, that about the same time these surveys were made, the Union canal was planned and commenced with reservoirs, then considered ample to supply the summit with water and to pass daily 100 boats. This canal has been finished and is now in use and with only 25 boats passing daily—with locks 75 feet long, 8½ feet width and 4½ feet lift, their reservoirs for the three summer months furnish less than 1-10 of the water required. The greater part of the remaining 9-10 being forced up with pumps, 96 feet into a feeder 3 miles long; a small portion acting as a regulator on the summit, is pumped up 32 feet. The undersigned believe that with scarcely an exception in Great Britain, disappointment has followed where reservoirs have been relied on to collect and retain a sufficiency of water for active trade. We will add one other remark before dismissing this subject. It appears from an inspection of the report of the U. S. engineer, in 1826, on the Chesapeake and Ohio canal, that more than five times the extent of country, and more than five times the quantity of water can be commanded on the summit of that canal through the Alleghany mountain than we collect on the summit through "Parr Spring Ridge."

Satisfied of the impracticability of the several routes *exclusively within the territorial limits of the state of Maryland*, submitted to our examination, from the entire insufficiency of water to feed the summit levels, we have not deemed it necessary to prepare detailed or even general estimates of their cost; but are satisfied that the entire cost of either of the proposed routes aforesaid, even if a sufficiency of water could be obtained, would not fall short of six millions of dollars, excluding the heavy damages to water rights and other property, inseparable from the construction of such a canal along the valleys of the Monocacy and Patapsco.

It is a matter of regret to the undersigned that they have not been able to avail themselves of the experience and talents of col. S. H. Long, the engineer appointed by the city of Baltimore, whose occupations have detained him elsewhere.

They hope in a short time to submit the *details* of their field operations to be placed on record to be referred to at any time hereafter by those who may choose to examine minutely into the data on which their opinion are based.

GEO. W. HUGHES, *U. S. civil engineer, on the part of the Maryland canal co.*
CHARLES B. FISK, *civil engineer, on part of the state.*

Upon consideration whereof, it is hereby resolved by the governor and council that, in their judgment, the construction of the said Maryland canal, "with due supply of water," is not practicable, by the valleys of the Monocacy and Patapsco, or by a route diverging from the Chesapeake and Ohio canal at the mouth of Senaca river, exclusively within the limits of this state, and that "the most northern practicable route" for the said canal is on or near the location traced by Dr. Wm. Howard, United States civil engineer, in 1827, through the District of Columbia, a copy of the report whereof to the chief engineer of the U. States, was transmitted by the governor of Maryland to the general assembly, at December session, 1827.

Council chamber, Annapolis, July 26, 1836.

I, Thomas Culbreth, clerk of the executive council of the state of Maryland, do certify that the foregoing is truly copied from the proceedings of the governor and council this day.

THOS. CULBRETH.

Benjamin S. Forrest, esq. offered the following resolution:

Resolved by the stockholders of the Chesapeake and Ohio canal, in general meeting, That the act passed by the general assembly of Maryland, at its last session, entitled "an act for the promotion of internal improvement," be, and the same, with its provisions, is hereby approved, assented to, and agreed to by the Chesapeake and Ohio canal company; and the president of the company is directed to communicate, under his signature and the corporate seal of the said company, this approval, assent, and agreement to the governor of the state of Maryland, on or before the first day of August next.

Richard S. Coxe, esq. offered the following preamble and resolutions, as a substitute for the resolution offered by Mr. Forrest, and which were accepted as such by him.

Whereas the Baltimore and Ohio rail road company, at a general meeting of its stockholders, has authorised the president and directors of said company to enter into an arrangement with the president and directors of the Chesapeake and Ohio canal company, in relation to the construction of bridges over the canal, when they may be required by the said rail road company, and also in relation to the slopes which, in the judgment of the canal company, may be required to give stability to their works:

And whereas, also, the reports made by the surveyors appointed for that purpose have established the fact that the most northern practicable route for the contemplated canal of the Maryland canal company is substantially the same as that surveyed and recommended by Dr. Wm. Howard in his report of June 25, 1827, extending through the city of Washington into Georgetown:

And whereas the said Maryland canal company has, by its solemn and deliberate act, authorised an agreement, binding itself to adopt said route for the projected work, and assurances have been given that their said company, by its president and directors, will, within a short period, give the certificate as required by the 8th section of the act of the general assembly of the state of Maryland, that a sufficient amount has been subscribed to the stock of said company to justify the commencement of the construction of their canal, and to insure its completion by the most northern practicable route: therefore,

Resolved, That the Chesapeake and Ohio canal company, assembled in general meeting on this 28th day of July, 1836, does approve, assent and agree to the several provisions of an act of the general assembly of Maryland, passed on the 4th day of June, 1836, entitled "an act for the promotion of internal improvement," so far as the same are applicable to this corporation; and that the president of the said company be, and he is hereby, authorised and directed to communicate an attest copy of this resolution, under the corporate seal of this company, to the governor of the state of Maryland, on or before the 1st day of August next.

Resolved, That the president and directors be, and they are hereby, authorised and directed to enter into the agreement and stipulation required by the 7th section of said act of the general assembly of Maryland in the form, and binding this company to the terms therein prescribed in and by said section.

And whereas it is deemed by this corporation important to its interests that the Maryland canal company should agree to connect its canal with the canal of this company, at a suitable point in Georgetown, above the locks in said town, as a preliminary to the acceptance of the recent act of the general assembly of Maryland, entitled "an act for the promotion of internal improvement;" and whereas there is reason to believe that the said Maryland canal company is prepared to enter into a binding contract to that effect, if required so to do: therefore,

Be it resolved, That this company deem such agreement a necessary preliminary to the final acceptance of the aforesaid act of said general assembly, and that the president and directors of this corporation be, and they are hereby, authorised to obtain and enter into said agreement, and that, until the same shall be made, the acceptance by this corporation of the aforesaid act of said general assembly shall not be filed with the governor and council of said state.

And be it further resolved, That the president and directors of this company be further authorised and required, as a further preliminary to the filing of said acceptance of said act, to enter into an agreement with the said Maryland canal company, by which said Maryland canal company shall bind itself to give, within three months from this date, the certificate required by the 8th section of said law, that a sufficient amount has been subscribed to the stock of said company, to justify the commencement of the continuation of their canal, and to insure its completion by the route through the District of Columbia as the most northern practicable route.

Francis S. Key, esq. offered the following as an amendment to the substitute, to come in at the end of the first resolution:

Provided, That an arrangement shall be made with the president and directors of the Baltimore and Ohio rail road company, stipulating that it shall not, under any of the provisions of the act of the 4th June, 1836, proceed with the construction of its works in the valley of the Potomac river, above Harper's Ferry, until the loan to be contracted agreeably to the said act, for paying the subscription of three millions of dollars to the capital stock of the Chesapeake and Ohio canal company by the state of Maryland, shall have been actually negotiated.

And also resolved, That the acceptance of this law by this meeting is made upon the expectation that the subscription it contemplates shall be made available by the loan authorised by the said law, and it is hereby declared to be a condition of this acceptance that the said loan shall be accomplished within the time hereinafter stated; and this acceptance shall be binding on this company from this time until the first day of January next; and if the said loan shall have been then accomplished, it shall be forever binding on this company; but if the same shall not then have been accomplished, then this acceptance shall be no longer binding on this company.

On the question of agreeing to the amendment, it was decided in the negative.

The question was then taken upon the adoption of the substitute as offered by Mr. Coxe, and it was agreed to by the following vote—ayes 4,101, noes 2,333.

On motion by Richard S. Coxe, esq. the following preamble and resolution were adopted:

Whereas, by the acceptance by the several companies therein mentioned of the terms and provisions of the act of the general assembly of Maryland of June 4th, 1836, all doubts are removed as to the completion to Cumberland of the Chesapeake and Ohio canal, within as short a period as the proper execution of the works will permit:

And whereas, the interests of the several stockholders in said company, and more particularly those of the state of Maryland and the cities of the District of Columbia, are indissolubly connected with the trade upon said canal, and require that that trade should be enlarged to the greatest practicable extent:

And whereas, it has been deemed expedient by those who have the management and direction of similar works of internal improvement, particularly those of the commonwealth of Pennsylvania, to invite to the use of those works by the most liberal tariff of tolls:

And whereas, to give full efficiency to the efforts which are now making to develop and bring into activity the inexhaustible and invaluable mineral and other productions in the vicinity of said canal, inducements should be held out to all who are or may be interested in these subjects by a liberal and permanent adjustment of the tariff of tolls, to augment the trade and business of the canal to the greatest possible extent, and at the earliest practicable period of time:

Be it resolved, That the president and directors of the Chesapeake and Ohio canal be, and they are hereby, requested, as early as may be convenient, to arrange and adjust with the proper authorities of the state of Maryland a full and complete tariff of tolls, as well upon the ascending as the descending trade; that these tolls be arranged upon the most liberal terms compatible with the interests of the company; that they be made uniform throughout the entire extent of the canal; that the faith of the company be pledged not to increase said tolls without imperious necessity; and that upon such commodities and productions as may bring the Chesapeake and Ohio canal into competition with other works of internal improvement, it be especially enjoined upon the president and directors to make said tariff as liberal and favorable as the competition of said other and rival works may demand.

After some other unimportant business the meeting adjourned.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

General Jackson arrived at the "Hermitage" on the 4th inst. He was met by a large body of citizens from Nashville and its vicinity, about thirty miles from that city, and from thence was escorted to the Hermitage. He was addressed on behalf of the committee of citizens by the honorable G. W. Campbell, and by A. Ewing, esq. on behalf of the young men. The president replied to both addresses with much feeling.

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The secretary of war returned to Washington on Thursday last from his visit to Michigan.

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The letter of the president of the United States to the governor of Tennessee, (see page 412) is dignified and appropriate, and must disabuse the public mind as to the alleged sentiments and conduct of that functionary in the contest of the Texians with Mexico—For, from the letters, &c. of gen. Gaines, it was almost impossible to resit the conviction that he was not only acting with the sanction, but by the advice, of the president—especially in regard to the call for volunteers from Tennessee, &c. The responsibility of that act, and also the call upon the governors of Kentucky and Louisiana, rests with gen. Gaines alone, and was in direct violation of the president's directions.

The Mexican government has great right to complain of the remissness of our authorities in not restraining our citizens from active participation in the Texian contest; not in preventing individuals from joining the Texian standard, but in permitting the organization and equipment of troops within our borders, and the preparation of munitions of war, openly and avowedly destined for the scene of hostilities. As individuals we may disfranchise ourselves and form an alliance with any cause or country we please; but it is a direct violation of international law, and an infringement of solemn treaty obligations to suffer bodies of our citizens to organize within our territory to make war upon a nation with which the government of the United States is at peace. It is thus, in another respect, that we violate that "strict neutrality" of which the president speaks, and which it is our duty to observe if we wish to retain the respect of other nations and preserve inviolate their treaty obligations with us.

The "National Intelligencer," speaking of the president's letter, says—

"We consider the document to be of an importance scarcely inferior to that of the proclamation of neutrality of the first president of the United States in 1793, which prevented this then young nation from being ingulfed in the wars of the French revolution."

—

ELECTIONS. We have before us various statements of the result of the general election in Louisiana—but none that can be relied on as correct. We have also partial returns from Kentucky, Indiana, Missouri, Illinois, Alabama and N. Carolina, in which states the general elections commenced on the 1st inst. The "Raleigh Register" of the 16th publishes the returns from thirty-six counties in the last named state, which have returned 50 whig and 45 Van Buren members to the legislature (senate and commons) and given 14,985 votes for Dudley the whig candidate for governor, and 12,682 for Speight the Van Buren candidate.

We will, of course, publish full and accurate returns as soon as they come to hand.

—

LOAN TO THE BANK OF THE UNITED STATES. The Paris Journal du Commerce of 7th ult. has this paragraph—shewing that the bank of the U. States has negociated a loan, in Paris, for about *two millions and a half of dollars:*

"There has been issued on the exchange the bonds of a new loan of 12,500,000 francs, made at Paris by Messrs. Hottinguer & Co. on account of the bank of the United States. This is the first American loan contracted directly at Paris."

—

BANK OF ENGLAND. The following is an account of the average public deposites held by the bank of England for each quarter, from the quarter ending June, 1832, to the present time (July 6): Quarter ending Sept. 1832, £4,020,000; Dec. £4,233,000; March, 1833, £4,790,000; June, £3,960,000; Sept. £4,646,000; Dec. £5,044,000; March, 1834, £5,262,000; June, £6,469,000; September, £7,605,000; December, £5,563,000; March, 1835, £4,487,000; June, £3,654,000; September, £5,583,000; December, *£11,383,000; March, 1836, *£8,503,090.

—

PUBLIC LAND SALES. The amount of sales of public lands, according to an article in the Globe, has been as follows, during the last five years:

In 1832,	$3,115,376
In 1833,	4,972,284
In 1834,	6,099,981
In 1835,	15,810,795
And in the two first quarters of 1836, we are told, though not ascertained exactly, about	13,500,000

—

SPECIE. Between the 12th and 30th days of July, inclusive, there was imported into New York, in

Gold,	$2,246,571
Silver,	60,873
	$2,307,444
Of this amount, there was on account of the French indemnity,	$845,910
On account of the bank of America,	240,000
	$1,085,910

The remainder on account of other banks and individuals.

During the same period there was exported from New York, $129,927.

Of which $6,600 was in gold, the remainder in silver.

— [*Globe.*

GENERAL ORDER—NO. 54.

Adjutant general's office, Washington, Aug. 11, 1836.

The resignations of the following named officers have been accepted by the president of the United States, to take effect at the dates set opposite to each respectively, to wit:

Captain J. Rogers, 6th infantry, 31st July, 1836.
1st lieut. F. L. Dancy, 2d artillery, 11th September, 1836.
2d lieut. H. P. Van Cleve, 5th infantry, 11th September, 1836.
2d lieut. W. H. Pettes, 1st artillery, 11th September, 1836.
2d lieut. J. L. Davis, 4th artillery, 11th September, 1836.

By order of major general MACOMB:

R. JONES, *adj. gen.*

—

NEAH-EMATHLA. We copy the following sketch of this distinguished Indian chief, from a late number of the Mobile Advertiser:

His person is in stature rather beyond the ordinary sized Indian, naturally erect and commanding—now bent and broken down by the weight of eighty years. His face is strongly marked, his countenance peculiarly expressive, and indicative of the inner workings of his soul—his forehead rather high and well based—nose aquiline—lips compressed—his eye—ah! that speaks the warrior! it is certainly expressive of more fire than any I ever saw. Deeply sunken in their bony sockets, small, black and as keen as an eagle's when they shine from beneath their silkened lashes, all who behold, feel their searching glance.

His character has been that of the most dauntless and intrepid warrior. During the last war he signalized himself fighting against general Jackson in Florida and

*The increase of the deposites in these two quarters arose from the receipts of the subscription of £15,000,000 for the compensation of the owners of slaves.

elsewhere. In conversing with him upon that, and other subjects, I was forcibly struck with the accuracy with which he related facts. From that period up to this, he has been the avowed and uncompromising enemy of the white man, and no doubt, the prime instigator of all the murders and depredations committed in the nation.

His capture was altogether the result of accident. No stratagem or snare was laid to decoy him from his camp, as has been stated. Being alone, I know the fact. When apprehended, he was on his way to his camp from Echo-Hagoe's, where he had been, as he stated, sick for two moons, and merely happened to be passing near the road, as the army was marching on, and was discovered by the friendly Indians in advance, and recognized by them as Neah-Emathla, in despite of the disguises he had thrown around himself to elude detection. Upon this recognition, the Indian war hoop was yelled—they rushed upon him like maddened tigers. Much effort was required to prevent them from tearing the old man limbless.

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Trade of Russia. The following particulars relating to the foreign and domestic trade of Russia, are extracted from a late number of the Petersburgh Gazette, in which it is admitted that one-half the exports of the empire are sent to England, although not more than a twentieth part of the exports for Russia are sent to Russia. In the year 1834 the total value of the exports amounted in roubles to 230,419,880, including 10,656 sent to Poland, and 2,440,993 to Finland. In the same year the imports from foreign countries amounted to 214,824,630 roubles, from Poland 2,798,804, and from Finland 969,919. The following is a comparative statement of some of the leading articles of raw produce imported into Russia in the years 1832, 1833 and 1834, respectively. The figures represent poods, a pood being equal to rather more than 36 lbs. *avoirdupois.*

Cotton wool	127,124	139,032	152,110
Cotton twist	544,255	517,693	525,296
Indigo	33,318	22,950	25,284
Madders	69,565	46,613	79,440
Oil	200,079	251,958	305,529
Raw sugar	1,357,723	1,537,673	1,574,137

Of manufactured articles the following is a statement showing the progress of importation during the same three years:

	1832.	1833.	1834.
Cottons	10,383,165	10,586,723	8,786,072
Linens	946,694	779,284	905,634
Silks	10,317,676	8,289,817	9,442,567
Woollens	10,982,916	8,412,957	7,699,198
Lace, blonde, &c.	2,259,288	1,693,463	1,267,744

From the tables it is to be inferred that even in Russia manufactories are making considerable progress, from the increase in the amount of importations of raw produce coinciding with the decrease of manufactured articles. Three-fourths of the whole exports of Russian hemp, and more than three-fourths of the exports of tallow, are sent to England, without counting the shipments for Elsinore, which, in the end, have the same destination.

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Chronometers. The British government allows a premium annually of £5,000 to the manufacturers of the best chronometers, on a trial of 12 months. This valuable instrument has attained the highest state of perfection.

At a recent award of premiums, several were found to have erred in their ratio only 65, 68 and 79 hundredths of a second in 12 months. The 1st, 2d and 3d premiums were awarded to these three. The great perfection this instrument has been brought to, convinces us that no vessel should be sent to sea without a *good* chronometer to *aid* in ascertaining the longitude.

Underwriters should insure at a less premium when *good* chronometers are on board the vessel to be insured. It is unusual for a British vessel to put to sea without a chronometer, and in many instances not less than three are carried, and in their ships of war always three and frequently four. We recollect seeing a British frigate with 14 on board, 9 of which were said to be sent out on trial by the manufacturers.

The French government give £130,000 per annum to the encouragement of literature. [*Phila. U. S. Gaz.*

MISCELLANEOUS.

Arrival extraordinary. A small steamboat from Erie, Pa. came down the river on Monday evening last to the old French landing, half a mile above the Falls. It brought down with it, in tow, two scows laden with lumber for Mr. Rathbun. The following morning, after disburdening itself, it proceeded up the river, on its return, with apparent ease. This is the first boat that has ever arrived within the limits of this village; but the complete success of this experiment, evinces the practicability of navigating the Niagara to this point, and must be followed by other and frequent arrivals of boats at the same place.

[*Niagara Falls Journal.*

Mr. Carroll, U. S. consul at St. Helena, gives notice, that if vessels passing that Island will stand in within two miles of the anchorage, and display their telegraphic flags, they will be reported by a look out on shore. He repeats that all letters, &c. from or for owners and friends will be forwarded without charge.

The amount of sales of the Illinois and Michigan canal lands, which recently took place at Chicago, was $1,619,848. There still remain unsold lots estimated to be worth $200,000, making, with the interest that will accrue, about $2,000,000, which will be realized by the sale of the lots in the town of Chicago alone, towards completing the Illinois canal. With these prospects (says the Chicago Democrat) who will longer doubt the utility of at once commencing a *ship canal?*

Lead mines of Rossie. The vein opened in Rossie within a short time since, is said to be by competent judges the largest yet discovered in America, and the quality of the ore equal, if not superior to the Galena mines. Shares of sixteen, under the lease for ten years, of the one hundred and sixty rods now opened, are selling for twenty thousand dollars; which is supposed to be far short of the actual value. Other lead mines in the same region of country are also about being opened.

[*Albany Daily Advertiser.*

Among the passengers who sailed from New York on Monday the 8th inst. in the packet ship Independence, were Mr. *Eaton*, minister of the United States to Spain, with his wife and child; and Mr. *Rush*, (formerly secretary of the treasury) who goes out as agent of the United States, under the act of congress concerning the Smithsonian legacy.

Mr. *Forrest*, the tragedian, came passenger in the ship Poland, which arrived at New York a few days since.

"*Statistics of prisons.* In Sing Sing prison, only 289 out of 842 could read and write tolerably, and but 52 had received a good English education; and 484 had been habitual drunkards, and many had committed their crimes while intoxicated. Of 670 prisoners at Auburn, 3 only had received a collegiate education; 503 had been intemperate, and 400 were committed for crimes perpetrated while under the influence of spirituous liquors. In the Connecticut prison 8 in 100 only, could read, write and cypher, when convicted, and 46 in 100 could read and write; 44 in 100 committed their crimes under the influence of alcohol. Instruction, temperance and industry are found to be the surest preventives of crime."

State of New York. The number of post offices in the state of New York is 1,719. Total amount of postage in the state for the year ending March, 1834, $430,426. There are in the state of New York 56 counties, 788 towns and 9 cities. There are published in the state 253 newspapers, besides magazines. The number of daily papers is 27, viz: In the city of New York 56 papers are published, exclusive of magazines; 15 daily, 10 semi-weekly, 2 tri-weekly, 26 weekly, 1 semi-monthly and 2 monthly. The average circulation of the ten large daily papers is about 1,700 to 17,000 numbers of sheets issued daily. The state owns 663 miles of canal navigation. The amount of canal money held on loan by the banks of this state is $2,356,284. The amount on deposite $791,501. The total canal debt is 6,322,013 dollars; the amount of canal funds in hand $3,406,809; leaving a balance to be reduced by the receipts of future years of $2,915,204. The total capital of rail road companies incorporated previous to the recent session of the legislature, is $34,405,000. (This capital has been immensely increased at the recent session.) The total value of real and personal estate in all the counties of this state is $530,653,524. The total amount of auction duties paid by auctioneers in New York city in 1836 was $270,996. There are 89 banks, with a capital of $31,781,461. (This does not include the banks incorporated at the present session.) In the New York city custom house, there are 81 clerks, 109 inspectors, 11 night watch and 8 boat hands. The total number of arrivals at the port of New York from foreign countries during the year 1835 was 2,044. The present number of whale ships owned by companies in this state is 45. Tonnage over 13,000 tons, employing a capital over $1,200,000, and crews of about 1,000 men. The total value of raw materials used and manufactured in the state during the year 1835, was $43,400,922. The total value of manufactured articles, $60,669,067. The total number of attorneys and counsellors in the state in 1836 is 2,127. [*William's Register.*

Canova's statue of Washington. Mr. John Hogan, in a letter dated at Paris, has informed the president of New Orleans

Exchange company, that he has ordered a copy of Canova's statue of Washington to be executed in marble by Racchis, a distinguished artist, and that, when finished, it is to be shipped to New Orleans, to be presented to the company, and placed in the exchange room.

After 30 years' negotiation, a company has been formed at Paris to supply that city with water. The capital is 40 millions of francs.

The great manufacturing town of Manchester, during the last four years, has had an increase of 700 new streets, 7,000 houses and 42,000 inhabitants.

Egyptian enterprise. A Mogul merchant from Egypt has established a steam tow-boat on the Indus, which runs up to Hyderabad, and proves very profitable in towing up rafts laden with merchandise.

The new houses of parliament, it is computed, will cost £800,000.

Great steam enterprise in the Indian seas. The East India company are about to construct two steam ships, each of 200 horse power, to go regularly every month from Bengal to the cape.

A clean people. Over 137 millions of pounds of hard soap are annually made in England; in Scotland but 10 millions.

Telegraphs and steam do away with distance. The vote on the estimates for Algiers in the French chambers, was conveyed in 24 hours from Paris to Toulon by telegraph; and in two days more by steam to Algiers.

Earthquake in Calabria. The Journal des Deux Siciles, by last arrival, gives the details of a tremendous earthquake that in the night of the 24th of April, desolated the district of Rosano in Upper Calabria. The whole of that part of the country, more or less, sustained disasters; but it was felt most severely in the communes of Rossano and Crosia. In the former, the shock was instantaneously followed by the fall of most of the houses; in the latter, not one tenement remained; 192 individuals have perished, and 240 have been severely hurt. The inhabitants of whole communes hastened, with laudable alacrity, with their magistrates and medical men, to the assistance of the inhabitants, and the scene is represented as afflicting in the extreme. The populace and the authorities digging from under the ruins the dead bodies, or those nearly crushed to death, amid the groans of the sufferers—the anxieties—the lamentations—and the despair of those who had escaped, but were seeking for relations or friends, with scarcely a better hope than to receive their last breath. Public charity did all that it could to afford immediate succor to a people suddenly deprived of shelter, raiment and food. The Journal de Naples contains a statement which it thinks, however, may be exaggerated by the natural terrors of the imagination in such a catastrophe—that at the moment the shock was felt, an ignited meteor was seen along the shore of the Caloppezgali, in the form of large flaming beams—that long and deep clefts tore up and destroyed the fields—that the sea retired 40 paces on one side, and advanced the same distance on the other—and that on the shore were found volcanic matter, and fish of a species unknown to the fishermen of the country. The same shock was felt at Ginosa, in the province of Otranto, and at Craco, in the province of Basilicata, where some houses were thrown down.

Coal. The Miners Journal says that the report published in a New York paper that the supply of Pennsylvania coal would fall short this year by two hundred thousand tons is incorrect. On the contrary the supply of this year will be an increase of at least one hundred thousand tons above that of the last.

Progress of the arts. The May bug is now becoming an entirely new article of commerce. A society formed for the purpose, at Guedlinbourg, has caught nearly 19,000,000 May bugs to make oil of them. They have already made the attempt in Hungary and obtained three measures of oil, from eight measures of the May bug. They put the insects into earthen pots covered with straw or a tissue of metalic threads, and turn them over upon a heated vessel, which is destined to receive the oil which flows out—this oil is particularly good for greasing wheels. [*Paris paper.*

FOREIGN NEWS.

From Liverpool papers to the 20th and London to the 19th July.

GREAT BRITAIN AND IRELAND.

The third reading of the established church bill was to come on in the house of commons on the night of the 18th ultimo, when two important amendments were to be moved, and it was thought the bill would pass.

A tremendous storm, attended with hail, thunder and lightning, passed over the eastern part of England on the 12th ult. doing immense damage to property.

FRANCE.

Alibeau, who attempted to assassinate Louis Philippe, was executed on the guillotine on the 11th of July. He bore his fate with much firmness. His last words are reported to have been as follows: "I die for the republic. I repeat that I had no accomplices. I am as pure as Brutus and Sanct, and, like them, wished for the liberty of my country."

Great preparations are making in Paris for the celebration of the "three days." The king has signified his determination to be present, notwithstanding the remonstrance of his ministers.

Much excitement was caused in Paris by the trial and conviction of the editor of the Gazette de France, who was sentenced to six months' imprisonment, and a fine of 4,000 francs, for publishing an objectionable article, or, as the Gazette says, for defending a principle diametrically opposed to that for which, on the morning of the same day, Alibeau suffered death. The editor maintained that the celebration of the anniversary of the revolution of July was "an act of deep hypocrisy—an attack upon the good sense of the public, and a provocation to moral anarchy, which supports anarchy *de facto*."

King Louis Philippe had at length consented to advance king Leopold of Belgium the 40,000 pound sterling agreed upon as the marriage portion of the princess Louise of Orleans, now the consort of the king of the Belgians.

ENGLAND AND TURKEY.

The sultan of Turkey, in consequence of the representations of the English ambassador, in the affair of Mr. Churchill (see page 418) has dismissed the reis effendi, and thus removed all apprehension of difficulty between Great Britain and Turkey.

SPAIN.

Advices from Spain show that the queen's troops have met with some reverses. On the 11th of July, general Evans, at the head of 8,000 troops, attacked Fontarabia, which was stoutly defended by the Carlists, who numbered about 4,000. After meeting with partial success, the British troops were compelled to retreat with considerable loss. Several women were seen, during the engagement, fighting bravely on the side of the Carlists. The accounts from the Asturias were, on the whole, unfavorable to the cause of the queen. Paris papers to the 16th state that the Carlist expedition into the Asturias was making unchecked progress.

Some further cruelties of the ruffian Carlos are mentioned in the Pharre de Bayonne; fifty persons seized by him, upon the slightest possible pretext, were lately drawn from their prisons at Mondragon, and marched on Onate. Three of the prisoners were shot during the march, before the eyes of their unhappy comrades; one, a gentleman who had neglected to take the place of his son accused of desertion; another, a physician of 80 years of age, M. Manzanares, who was shot at his own door at Escoriaza, and his crime seems to have been, that his son had been the constitutional minister at Cadiz, in 1823.

DEPOSITES WITH STATES.

The forms adopted by the treasury department in respect to this subject, are published below for general information.

No. 1. Letter to the governor of each state.

Treasury department, June , 1836.

SIR: The congress of the United States recently passed an act in relation to the public money, a copy of which is inclosed.

You will perceive what is provided by the 13th section of it, in respect to the course of this department and the several states in the union, concerning all the money in the treasury over five millions of dollars.

The object of this communication is to invite your official attention to the subject of that section, so far as it is connected with the power and interests of the state over which you preside. The time and manner of acting in the matter, belong of course to the consideration of yourself and the other proper state authorities; and this department would entirely forbear from any suggestions in relation to them, except the expression of an earnest desire, arising from public considerations of convenience to the fiscal operations of the treasury, that whenever the final action of your state shall be had on the subject, the result may be communicated to this department at as early a day as may be found practicable. With high respect, your obedient servant,

LEVI WOODBURY, *Secretary of the treasury.*

His excellency

No. 2.—*Form of a receipt by a state.*

Whereas, by the 13th section of an act of the congress of the United States, entitled, "an act to regulate the deposites of the public money," approved the 23d of June, 1836, it was enacted, "that the money which shall be in the treasury of the United States on the first day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with such of the several states in proportion to their respective representation in the senate and house of representatives of the United States, as shall by law authorise their treasurer, or the competent authorities to receive the same, on the terms hereafter specified; and the secretary of the treasury shall deliver the same to such treasurer or other competent authorities, on receiving certificates of deposite therefor, signed by such competent authorities in such form as may be prescribed by the secretary aforesaid.

And whereas, the state of has by an act of its legislature, passed on the day of one thousand eight hundred and thirty authorised and directed the of the said state to receive its proportional share of the said surplus moneys of the United States on deposite with the said state, upon the terms specified in the said acts of congress.

And whereas, the secretary of the treasury, in pursuance of the provisions of the said act of congress, and in conformity with the provisions of the said act of the legislature of the state of has delivered to the thereof the sum of dollars and cents, the same being the first instalment or one-fourth part of the rateable proportion of the said state in the surplus money in the treasury on the first day of January, 1837.

Now therefore be it known, that I, do hereby certify, that the said sum of dollars and cents has been deposited by the secretary of the treasury with the state of and that for the safe keeping and repayment of the same to the United States, in conformity to the said act of congress the state of is legally bound, and its faith is solemnly pledged. And in pursuance of the authority of the act of the legislature aforesaid, for and in behalf of the said state, I hereby affix my signature and seal in testimony of the premises, and of the faith of the said state to pay the said money so deposited, and every part thereof, from time to time, whenever the same shall be required by the secretary of the treasury, for the purposes and in the manner and proportions set forth and described in the said recited 13th section of the act of congress aforesaid, and by a requisition or notice similar in form to that hereto annexed; addressed to the care of the governor of said state.

Signed and sealed this day of one thousand eight hundred and thirty

ATTEST,

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No. 3. *The form of a requisition or notice for repayment will be substantially as follows.*

Treasury department, 183 .

To the state of

Under the provisions of an act of congress entitled "an act to regulate the deposites of the public money, passed June 23d, 1836," and an act of said state passed certain sums of money belonging to the United States having been deposited with the state aforesaid for safe keeping and repayment in conformity with the provisions of said act, said state is hereby notified, that a portion of said money, viz: the sum of $ is required to be repaid to the United States, by the state aforesaid, for the purposes named in said act, and in conformity with its provisions.

(Signed) *Secretary of the treasury.*

Care of his excellency governor of said state.

[The repayment of the said sum to the treasurer of the United States will be, in one of the following modes, which this department may in any particular case prefer and direct, viz:

1. By a request annexed to the above requisition to place the same to the credit of the said treasurer in the bank of at on or before the day of next, and to take duplicate receipts therefor one of which receipts sent to the said treasurer will be a sufficient voucher for the amount of said repayment on the part of said state.

2. Or, by a request written by said secretary on the back of a common treasury warrant directed to the state for payment by said treasurer, that said state would pay the same, and which warrant, with a receipt of payment thereon, will be a sufficient voucher as aforesaid.]

INDIAN WAR.

The Tallahasse Floridian of the 30th ult. says that the Georgia volunteers had a sharp encounter with a body of four or five hundred hostile Indians who had crossed the Chattahooche, near McCrary's ferry, on their way to Florida. There was some loss in killed and wounded on both sides—among the slain, it is reported, was capt. Jernigan who recently distinguished himself. The Georgia volunteers had been re-enforced and were in pursuit of the enemy at the last accounts. Two armed steam boats had been despatched up the river to prevent the return of the Indians.

Duncanville, August 2.

To his excellency, gov. Call:

SIR: Your letter, enclosing an express from G. H. Crossman, A. Q. M. U. S. army, was handed to me by Mr. Max Yandy, about 11 o'clock, A. M. on Saturday last. The express being indefinite as to the position of the Indians, and the force in pursuit of them, it was deemed best to gain farther information before we proceeded. Messrs. Fabian Adams and William Brinson very generously volunteered their services to go to Flint river, and obtain the latest and most direct information.

Upon their arrival there they met with maj. Hoxey, who gave them the following intelligence: The number of Indians was supposed to be about 150 warriors, and the like number of women and children. The whites had had four engagements with them, with the following results: On Sunday, nine Indians killed; on Monday two whites, the number of Indians not known; on Tuesday, two whites killed, the number of Indians not known; on Wednesday, 14 Indians killed, 20 horses taken, and the Indians completely routed. In the four engagements between fifty and sixty Indians are supposed to have been killed, and twelve white men. The battles were fought in Stuart and the upper part of Lee county. Major Hoxey had received no intelligence of them since Wednesday last, then major general Sanford was in pursuit of them. Major Hoxey has five companies stationed between Flint river and the Chickasahatchee, for the purpose of intercepting the Indians, and preventing their escape to Florida. He will stay there until that party are all destroyed. Should they evade him, and pass the river, upon information of the fact he will immediately pursue them. I will immediately communicate to your excellency all the intelligence I receive.

Yours, respectfully, THOMAS E. BLACKSHEAR.

"*Tallahassee*, (*Fla.*) *Aug.* 2.

"A small party of Indians, say 30 to 55, made their appearance on the Ocella, about 41 miles from this place, more or less, last week, killed two men, took off a boy about 12 or 14 years old, and burnt a house. It is also said they took off a female, the lady of the house. Capt. Fisher's company, stationed at Gamble's plantation, went in pursuit of them, and succeeded in rescuing the boy and recovering the spoils. They fled into a neighboring hammock."

It is stated that the government is endeavoring to make an arrangement with the friendly Indians on the Georgia frontier, to enter the service of the United States in the approaching campaign against the Seminoles.

THE UNITED STATES AND MEXICO.

HIGHLY IMPORTANT STATE PAPER.

From the Nashville Republican, Aug. 6.

General Gaines's requisition. We delay the publication of our paper to a later hour than usual, for the purpose of laying before the public the following documents, with which we have been furnished by the governor:

War department, May 4, 1836.

SIR: Major general Gaines, to whom the command of the western border of Louisiana has been assigned, has notified this department that he has called upon your excellency for a brigade of militia, the whole, or as many of them as practicable, to be mounted.

I am instructed by the president to request your excellency to call into the service of the United States the number of militia which have been or may be required by general Gaines, to serve not less than three months after their arrival at the places of rendezvous, unless sooner discharged. Very respectfully, your ob't servant, LEWIS CASS.

His excellency N. Cannon, governor of Tennessee, &c.

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War department, July 25, 1836.

SIR: Major general Gaines has apprised this department that he has made a requisition upon your excellency for a regiment of mounted gun-men for the service of the United States.

Copies of the despatches received from general Gaines have been transmitted to the president of the United States, who will issue such orders upon them as he may think the circumstances require. Meantime I have the honor to inform you that, in order to prevent any inconvenience or delay, in the event of the confirmation of general Gaines's requisition by the president, a disbursing officer will be ordered to proceed to the state of Tennessee with the necessary funds. Very respectfully, your most ob't servant,

C. A. HARRIS, *acting secretary of war.*

His excellency N. Cannon, governor, &c.

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The above letters from the war department having been inclosed to the president by the governor, the following was received in answer:

Hermitage, Aug 6, 1836.

SIR: I have received your letters of the 29th ult. and the 4th inst. accompanied by the copies of communications which were addressed to you on the 4th of May, and the 25th July, by the secretary of war, and also accompanied by your proclamation of the 20th, founded on the requisition made by general Gaines, bearing date the 20th of June last. The documents referred to in the communication to you of the 25th ult. from the war department, have not yet been received.

The obligations of our treaty with Mexico, as well as the general principles which govern our intercourse with foreign powers, require us to maintain a strict neutrality in the contest which now agitates a portion of that republic. So long as Mexico fulfils her duties to us as they are defined by the treaty, and violates none of the rights which are secured by it to our citizens, any act on the part of the government of the U. States, which would tend to foster a spirit of resistance to the government and laws, whatever may be their character or form, when administered within her own limits and jurisdiction, would be unauthorised and highly improper. A scrupulous sense of these obligations has prevented me thus far from doing any thing which can authorise the suspicion that our government is unmindful of them, and I hope to be equally cautious and circumspect in all my future conduct. It is in reference to these obligations that the requisition of general Gaines in the present instance must be considered; and unless there is a strong necessity for it, it should not be sanctioned. Should this necessity not be manifest, when it is well known that the disposition to befriend the Texians is a common feeling with the citizens of the United States, it is obvious that that requisition may furnish a reason to Mexico for supposing that the government of the United States may be induced, by inadequate causes, to overstep the lines of the neutrality which it professes to maintain.

Before I left Washington, general Gaines intimated to the department of war that some indications of hostilities from the Indians on our western frontier had been made, and that, if it became *necessary*, he would make a call for the militia. He had also informed the department of his ill health, and asked for a furlough to enable him to visit the White Sulphur Springs. I directed the secretary of war to grant him the furlough, and to inform him of the apportionment which had been made of the 10,000 militia under the recent volunteer act; and if the emergency should arise which would make it necessary to increase the force under his command, that a thousand volunteers in Arkansas, and another in Missouri, raised agreeably to this act,

would be enrolled and held ready for the service. This force, aided by the portions of the dragoon regiments that would be stationed in that quarter, and those of the regular army already there, were deemed amply sufficient for the protection of the frontier near to the Indians referred to. There are no reasons set forth in the requisition which the general has since made upon you, to justify the belief that the force above enumerated will be insufficient, and I cannot therefore sanction it at the present time. To sanction that requisition for the reasons which accompany it, would warrant the belief that it was done to aid Texas, and not from a desire to prevent an infringement of our territorial or national rights.

I deeply regret that the Tennessee volunteers, whose prowess and patriotism are displayed so promptly on all occasions that threaten the peace or safety of their beloved country, have been called out on this occasion without proper consideration. They can for the present only be mustered into the service and discharged. If there are funds appropriated out of which they can be paid, an order to this effect will be given.

The ten thousand volunteers authorised under the late act of congress are intended for one year's service, and must be employed to meet all necessary calls for the defence of our frontier borders. Should the occasion arise for a greater number on the western frontier, the call would be made on Ohio, Kentucky, Indiana and Illinois. There is, however, no information to justify the apprehension of hostilities, to any serious extent, from the western Indians. Should a necessity arise, the volunteer brigade from East Tennessee will be ordered to the western frontier as soon as their service can be dispensed with where they now are employed.

I would barely add further, that the authority given you by the order of the 4th of May having been satisfied by yielding to the requisition of gen. Gaines, a new authority from the department of war was necessary to authorise you to comply with that of the 28th of June. The government of the United States having adopted, in regard to Mexico and Texas, the same rule of neutrality which had been observed in all similar cases before, it was not to have been expected that general Gaines should have based this requisition for additional military force on reasons plainly inconsistent with the obligation of that rule.

Should Mexico insult our national flag, or invade our territory, or interrupt our citizens in the lawful pursuits guaranteed to them by the treaty, then the government will promptly repel the insult, and take speedy reparation for the injury. But it does not seem that offences of this character have been committed by Mexico, or were believed to have been by general Gaines. I am, very respectfully, your obedient servant,

ANDREW JACKSON.

His excellency N. Cannon, governor of Tennessee.

P. S. Before closing this letter, the documents referred to by the acting secretary of war as having been transmitted to me, have been received. A. J.

KENTUCKY VOLUNTEERS.

GENERAL ORDERS.

Lexington, August 11, 1836.

It is my painful duty to announce to the volunteers of Kentucky, that the requisition made by gen. Gaines, has been annulled *by the president of the United States*, so far as relates to the troops from Tennessee; and, although I have not been officially informed of the fact, so far, also, I have no doubt, as relates to the troops from this state.

The rendezvous of the troops under my command is, therefore, suspended until further orders.

LESLIE COMBS, *comdt. K. V. M. G.*

Louisville, Ky. 18th Aug. 1836.

COLONEL: I enclose you herewith a slip from the office of the Louisville Gazette, containing a letter from the president of the United States to the governor of Tennessee, disapproving the requisition of gen. Gaines for volunteers, at this time. The president's letter arrived here just in time to prevent my making engagements for transportation and supplies for the regiment, required from this state, to any great extent. It appears to me that it would subject the volunteers to additional expense to rendezvous at all after this letter. At all events, I would advise that it be delayed until an officer is sent on with funds to pay them off. I am, very respectfully, your obdt. servt.

J. B. DUSENBERRY, *asst. Q. mast. U. S. A.*

Col. L. Combs, com. K. V. Lexington, Ky.

LATEST FROM TEXAS AND MEXICO.

From the Louisiana Advertiser, Aug. 2.

By the arrival of the schooner Indiana, captain Rantiford, in five days from Tampico, we learn that 1,800 men were on the eve of marching from that place for Matamoras; 4,000 more were said to be on their march from San Luis, for the same destination. It appears that the main body of the army are about to rendezvous at Matamoras, previous to marching against Texas. Gen. Fernandez is to act second in command of the Mexican army under gen. Urrea. Captain R. contradicts the report that the Mexicans are indifferent about the prosecution of the war in Texas; on the contrary, he states that nothing can exceed the military enthusiasm that seems to pervade all classes, almost causing a general suspension of business, and naught else was talked of but war.

We are indebted to capt. Bridges, of the schooner Urchin, for the annexed:

Galveston Bay, July 21.

SIR: I arrived here on the 17th, after a passage of four days, and was convoyed down by the Independence, com. Hawkins, off the bar of Galveston. I saw the Texian schooner Brutus and brig Durango. I could not learn that the Mexicans had a single armed vessel at sea; the schooners Invincible, captain Brown, and Terrible, (formerly the Union), captain Allen, have gone on a cruise along the coast of Mexico. The Mexican army (about 3,000) are still at San Patricio, 125 miles from Victoria, where they concentrated after the battle of San Jacinto: they have made no movement since. It is reported that 500 troops are at Matamoras; but as they apprehend an attack on that place by the Texian army, they are somewhat certain to remain there. Our army (200 infantry and 500 cavalry) are at Victoria: the cavalry made an excursion a few days ago to the immediate vicinity of the Mexican encampment, and brought off a few prisoners. The cabinet is at Velasco, but expect to remove to Matagorda. Santa Ana and Almonte are yet at Columbia, with the army; and rumor has it that Santa Ana is to be tried. Gen. Coss and the other officers are at Galveston island. It is supposed that our army will, in three weeks, amount to 3,500 men. Col. Crockett's nephew has just arrived here; he left the colonel's son, with 200 men, a short distance from the army. As soon as the reinforcements now on their way arrive, it is expected they, with the troops here, will march to and attack Matamoras.

From the New Orleans Bee, Aug. 1.

FROM MEXICO. Our regular file of papers from the city of Mexico are to the 7th ultimo, but contain noting of importance; they are silent upon political movements. By the arrival of the schooner Indiana, from Tampico, we are alike deficient of political information; it would appear as though the papers were wilfully ignorant of any thing going on in the country. These papers are the organs of government, and of course say nothing of the political movement.

From Matamoras, by the schooner Water Witch, capt. Watkins, we have received our regular file of papers. The papers contain nothing positive: all is vague and uncertain as to the situation of affairs in the country. Troops to the amount of 4,000 men are at Matamoras under general Urrea, awaiting information of the arrival of a small blockading squadron that has sailed for the purpose of blockading the port of Galveston, intending to take up his line of march for the interior of Texas as soon as the plan is matured. The troops are said to be in good spirits, and anxious to march to revenge the defeat of their brethren under Santa Ana. Five chiefs of the Cherokee Indians were at Matamoras, and had offered their services to the commandant of the Mexican forces, who, it is said, has accepted them; the warriors were to march immediately to join the army.

The schooner Halcyon, at Matamoras, was to sail in a few days for this port, with about $200,000 on board.

Both the Mexican and Tampico papers appear to have agreed to represent every thing as peaceable and quiet in the city of Mexico, as well as in the different states. A circular has been issued from the government calling for immediate aid, of money and reinforcements from all the states, to be sent against Texas. The "De Diario" of the 4th ult. contains a proclamation of the commandant of Oajaca, addressed to the troops of the garrison, recommending them to unite their force to repulse any sedition that may arise. This procalmation is dated on the 22d June. At Guadalajara, the same step has been taken to arrest the plans of revolt that are constantly projected.

From the New Orleans Bee, Aug. 3.

MEXICO. The schooner Creole from Tampico, whence she sailed on the 26th ultimo, was towed up yesterday. Among the passengers on board is the American consul for the port of Tampico, who gave us the verbal information that, at the time of his departure, every thing was quiet at Tampico. A single point attracted the public attention; it was the expedition against Texas, talked of by the whole people. Our next number will probably contain some further news. The amount of specie on board the Creole is $30,000.

From the New Orleans Bee, July 30.

We think the following official documents relative to the treaty for a suspension of arms between Santa Ana's troops and the Texian army will appear interesting to most of our readers:

General government, war and navy department, central section—army of operations,

GENERAL: I transmit you the treaty I have concluded with his excellency David G. Burnet, president of the republic of Texas. It is my wish that you thoroughly acquaint yourself with its contents, and hasten to put it into execution. Any measure or remonstrance, the object of which would be to break it, is entirely useless. I trust your excellency will answer me by the return of the express. God and liberty. I have the honor to be, &c.

ANTONIO LOPEZ DE SANTA ANA.

To his excellency general Don Vicente Filasola.

Articles of the treaty concluded between his excellency Don Antonio Lopez de Santa Ana, general-in-chief of the army of operations, president of the Mexican republic, on the one part,

and his excellency Don David G. Burnet, president of the republic of Texas, on the other part.

Art. 1. General Antonio Lopez de Santa Ana agrees not to bear arms, nor engage any individual to take them against the people of Texas, in the present struggle for independence.

Art. 2. Hostilities, both at sea and on land, will immediately cease between the Mexican and Texian troops.

Art. 3. The Mexican forces will evacuate the Texian territory and recross the Rio Grande.

Art. 4. The Mexican army, in their retreat, will use no man's property without his consent, and a proper indemnity; the soldiers will take but the necessaries of life when the owners will not be found on the premises; and a correct account, stating the value of the articles taken, the place and name of the owner, when known, will be handed to the general of the Texian army, or the commissioners, whose duty it shall be to settle and receive payment.

Art. 5. All personal property, including horned cattle, horses, negro slaves, or any other goods and chattels taken by the Mexican army, or by divisions, or which may have found a refuge with said army from the first invasion, will be restored and delivered to the commanding officer of the Texian forces, or to such person as may be appointed by the Texian government.

Art. 6. The troops of both armies are no more to come in contact with each other; the Texian general will, therefore, take care to keep between the encampments a distance not less than five leagues.

Art. 7. The Mexican army will not halt in their retreat, but to provide for their sick, for their equipments, &c. and to cross or ford rivers; any other halt not justified by any plausible motive of necessity shall be considered an infraction to the dispositions of the present treaty.

Art. 8. The present treaty shall be transmitted with all possible expedition by an extraordinary express to generals Don Vicente Filasola and T. J. Rusk, in order that they accomplish what is prescribed to them, and agree together on what must be done to execute the present stipulations in the shortest delay.

Art 9. Every Texian prisoner now in the power of the Mexican army, or of any of the Mexican authorities, shall be immediately set at liberty, and furnished with passports to go back to their homes. The government of Texas shall, on their part, set at liberty an equal number of Mexicans, of the same rank and grade, and treat the remaining Mexican prisoners of war with the greatest humanity; the cost of their maintenance being supported by the Mexican government when any extra comforts will be allowed to them.

Art. 10. General Antonio Lopez de Santa Ana shall be sent to Vera Cruz as early as the Texian government may think proper.

And in order that each of the clauses herein specified may be fully executed, the present treaty has been in duplicates by the contracting parties, at the port of Velasco, May 4th, 1836.

ANTONIO LOPEZ DE SANTA ANA,
DAVID G. BURNET,
J. CALLENS,
LECCETAS OF HALS,
VACLUS HARDENAN,
JECY IRAXURURY,
P. H. GRAZCON,
MARTINES UNECAS.

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YOUR EXCELLENCY: As I was ready to march forward at the head of the army I command, I received your communication, with the treaty concluded between your excellency and the general of the Texian forces. Had it not been for the arrival of these documents, I should have continued to execute the preceding orders I had officially received from your excellency. It becomes now my duty to take every necessary measure to carry your last instructions into execution. Any delay on my part will only be occasioned by the necessity of transporting those of my men who are sick; my field equipments and other stores, as is provided for in the treaty. This convention being duly drawn with all formalities, and bearing the signature and ratification of your excellency, as general-in-chief of the army of operations, which, jointly with your quality of president of the Mexican republic, leave me neither right nor faculty of resisting your orders, my duty is to obey, and promptly put them in execution. Such has hitherto been my conduct since the beginning of the campaign. I shall religiously observe all the clauses, such as the respect for private property, the exchange of prisoners, and the paying for every article of food or provisions delivered to the army.

In the second place, and in conformity with the stipulations of the treaty, I shall agree with the general commanding the Texian forces, as to our joint execution of the convention, and as to any necessary claims, under all circumstances. God and liberty. VICENTE FILASOLA.

To his ex'cy Don Antonio Lopez de Santa Ana, president of the republic of Mexico.

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On the borders of the stream del Mugerero, on the 26th of May, appeared under the tent of his excellency Vicente Filasola, general-in-chief of the Mexican army of operations, col. Benjamin Smith and captain Henry Telz, of the Texian army, who handed to said general Filasola a document directed to him by his excellency Don Antonio Lopez de Santa Ana, president of the republic; and said colonel Smith having exposed he came fully authorised, as appeared by his credentials, signed by general Thomas J. Rusk, in order to ratify in his name the treaty of a cessation of arms, concluded between general Santa Ana and the Texian government, on the 14th of May, and also to put in execution the stipulations of the aforesaid treaty.

In consequence, general Filasola, after perusing said documents, appointed to examine and verify them gen. Don Eugenio Folsa and col. Don Agustin Amat, of the Mexican army, who accomplished the object of their mission, and acquainted his excellency with the result; thereupon, general Filasola having made up his mind, under these circumstances, determined to act in conformity with every thing relating to the army of operations, in the 10th section of the treaty, and in the same manner as the general of the Texian forces would do.

The contracting parties agreed that, on the part of general Rusk, there should be appointed several commissioners, who should follow the Mexican army at such a distance that they could be perfectly acquainted with every occurrence, and every just claim foreseen by the several articles of the treaty, and therein mentioned; and for this object any thing they may want from the army of operations will be granted to them.

And to give full power to this understanding, the contracting parties agree to sign the present document by duplicates, with the commissioners from both armies.

Head quarters, stream del Mugerero, May 26, 1836.

EUGENIO FOLSA,
HENRY TELZ,
AGUSTIN AMAT,
BENJAMIN SMITH,
VICENTE NEUCES.

Rio de las Neuces, May 31, 1836.

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Secretary of war and navy, centre section—first division.

GENERAL: I made known to his excellency the president per interim, your communication, dated Right Shore of Rio de las Nueces, 31st ultimo: in answer to which, I have to inform you, agreeably to the supreme orders I have received, that the whole of this communication has been looked upon with the greatest indignation.

Your excellency will have to answer for the serious offences you have committed, in not adhering to points which the supreme congress ordered you to maintain, cost what they might; from that moment a serious charge lies on you for having forgotten the dispositions of art. 2, title 3, chap. 7, of the military ordinance, which invested you with the command of the army; in no light whatever ought you to have considered that the general-in-chief was in full exercise of his functions while in captivity. And had he even been at the head of the executive power, no order emanating from him carried with it obedience, unless countersigned by the secretary of the department from whence it would have emanated. The president per interim is greatly surprised that you could have accepted such conditions as common sense alone rejects, and which only could have been adopted through the grossest ignorance of the dispositions of our military laws, and particularly the circumstances under which the executive power is executed in a republic like ours.

Consequently the president per interim condemns all the stipulations of the convention signed at Velasco the 14th of May, 1836, because the general who signed it had neither the power nor the authority to do so; he more particularly condemns as a contempt of the rights of nations, all that part of the concordat which grants the title of republic to a portion of one of the revolted states of the Mexican confederation, and the title of president to the chief of those bandits.

The president per interim concludes by requesting you, if you have not already done so, to remit immediately the command of the army unto general Don Jose Urrea, and that you repair, without delay, to this capital, and there answer for your conduct before the tribunals of your country.

God and liberty. TORNEL.

To his exc. the general-in-chief of division, Don Vicente Filasola. Mexico, June 25, 1836.

BATTLE OF WE-LI-KA POND.

From the Washington Globe.

We publish the official report of the battle of We-li-ka Pond near Micanopy, received yesterday at the adjutant general's office, being a copy of lieutenant Maitland's (3d artillery) report, forwarded by him to the governor of Florida.

Fort Defiance, Micanopy, 18th July, 1836.

SIR: In obedience to your instructions to evacuate the post of Fort Drane, if the commanding officer, in exercising a sound discretion, should deem it necessary, I have the honor to report that the commanding officer, captain Merchant of the 2d regiment of artillery, in consequence of the large and increasing sick report, determined to remove the troops to this place. The movement commenced this day at eight o'clock, consisting of twenty-two wagons, loaded with commissary and quartermasters's stores, with an escort of a detachment of twenty-six dragoons of the 2d regiment, under the command of captain Ashby, and thirty-six men detailed from the different artillery companies at the post; also a five and a half inch howitzer, under the charge of lieutenant Whitby, 2d artillery, making a force of 62 men. On our arrival at the We-li-ka Pond, within one mile of this place, the discharge of several rifles apprised us of the presence of the enemy. Capt. Ashby immediately went with his dragoons in the direction from which

the fire was discovered, and scoured the neighboring hammocks, without finding the enemy. It is proper to state here, that in the first fire private Holmes of the dragoons, was dangerously wounded in the abdomen, (since dead). Proceeding on our route opposite a long hammock, within a quarter of a mile of Micanopy, we were attacked by a body of Indians estimated from what we saw of them, and from their firing, to be about 250 strong. The firing commenced near the front and on the right of the train, and was continued through its whole length, a quarter of a mile. The men returned the fire with spirit and promptness. During the engagement, capt. Ashby, who I regret to say, was soon after the commencement of it, severely wounded, but refused to leave the field until loss of blood compelled him, finding the enemy in great strength, and pressing on us, despatched a dragoon to this place for a reinforcement. On his way he met two detachments under lieutenants Temple and Talcott, 31 strong, on their march to assist us.

They arrived at an important moment, and did us good service. Lieutenant Temple reached us, having scoured, on his approach, a point of hammock from which the enemy had very much annoyed us. As soon as lieutenant Temple and his command had taken their position in line, captain Ashby ordered a charge in the hammock, which was instantly executed, and the Indians driven beyond the reach of our fire. During this time lieut. Talcott was actively employed in removing the wagons in their direction to this place.

Of the good conduct and conrage of the troops, it is sufficient to say that every man did his duty.

My gallant commander, captain Ashby, distinguished himself by his courage and activity, and did not leave the field, even after receiving a severe wound, until feebleness, from loss of blood, made it absolutely necessary.

First lieut. Temple, 3d artillery, rendered the most essential service, by his timely arrival from Fort Defiance, and the gallant manner in which he charged the hammock. Lieut. Whitby, who had charge of the howitzer, served it in the most efficient manner; and from the prominent position, was a mark for the enemy, which drew a sharp fire on him, and disabled several of his men.

We regret to say assistant surgeon Weightman received a severe wound in his left thigh.

Sergeants Smith Johnson, of company D, 2d dragoons; Smith, company F, 1st artillery; Hall, company I, 3d artillery; Paterson, company I, 3d artillery; Baydon, company H, 3d artillery; all distinguished themselves by their courage and good conduct in discharging the duties that devolved on them.

Report of the killed and wounded at the battle of We-li-ka, East Florida, 19th July, 1836.

Dangerously wounded,.....	5	(two since dead).
Severely do.....	5	
Slightly do.....	1	
Total,.....	11	

From our well directed fire we no doubt killed and disabled many of the enemy; but as is usual, they carry them off to the dense hammock to which they retreated.

We had three horses killed in the field, and several severely wounded.

I have the honor to be, sir, very respectfully, your obedient servant,

W. S. MAITLAND. *1st lieutenant commanding.*

General R. Jones, adj. gen. U. S. army, Washington.

FROM BARBADOES.

From the N. Y. Star.

We have received through a friend, files from Barbadoes to July 18th inclusive. Information received there from St. Kitts, states that the troops at that place are suffering much from fever, which has proved fatal to many of them, especially to the Europeans, as usual.

The previous accounts published of the successful working of the appreticeship system at Demerara, appear to have been entirely erroneous.

At the southern estate of district E, there was lately a serious strike on the part of the slaves, who rebelled against the manager and the magistrate, and fled to the bush, where they built houses, but where finally captured, after a severe action, by the constabulary force. Nine out of the thirty-seven received corporal punishment as ring-leaders.

In consequence of certain legislative acts of St. Kitts, assuming a responsibility over the parliament at home, by fettering the abolition bill with compulsory manumission, emigration of white laborers into Demerara has received a considerable check. By the Demerara Gazette of June 30th, we learn that in consequence of the above acts four vessels had left there for the purpose of conveying laborers thither from the poorer islands.

The steamboats Dee and Columbia, now perform their trips regularly between Barbadoes and Jamaica.

His majesty's brig Harpy, which arrived at Bridgetown, Barbadoes, from Trinidad, July 16th, with the loss of her foretopmast from a heavy sea, brought £13,000 in doubloons for the commissariat.

The Bridgetown West Indian, speaking of the abstraction of white laborers for the supply of Demerara says:

"The number of laborers abstracted from St. Kitts by fair or foul play, we have not the means of ascertaining, but 395 have been brought here on their way to Demerara. This, it appears, as one of the "poorer" islands is now called on for its quota of laborers to till the "splendid" mud of Demerara. We can well afford to spare not 150 to 200, but 15,000 to 20,000, provided they are taken away in families. But we do hope the legislature will interfere and prevent any able bodied person from leaving this island until he gives security, that his family shall not become a burthen to the community. Our friends in the land of mud will not think us unreasonable in demanding this.

THE FATHER OF THE CONSTITUTION.

MR. MACFARLAND'S ORATION.

Richmond, July 26, 1836.

DEAR SIR: I am desired by the committee, who were "charged with making arrangements for the funeral solemnities of Mr. Madison," to request you to add to the favor already conferred, by furnishing at your convenience, a copy of the oration you delivered yesterday, for the purpose of having it printed. Very respectfully, JOHN BROCKENBROUGH.

To William H. Macfarland, esq.

Richmond, August 1, 1836.

DEAR SIR: In compliance with your request, on behalf of the committee, I submit to your disposal, a copy of the address, prepared at the request of a meeting of the citizens, on the occasion of the death of Mr. Madison. It was prepared on short notice, and under perpetual interruptions, and is, I am very sensible, imperfect—but the circumstances to which I refer will, I hope, be allowed as some excuse. Very respectfully, WM. H. MACFARLAND.

Dr. John Brockenbrough.

FELLOW CITIZENS: When death removes some cherished friend, it is a pleasure to the survivors to dwell upon the memory of what he was, and the ties that bound them; to call to recollection the various graces of mind and person, which won esteem and admiration; and to speak the praises of the deceased to those who honored him for his virtues, and are sorrowing that they shall see his face no more. It is indeed a mournful pleasure, and serves to awaken a deeper and more afflicting sense of bereavement; but the heart of sensibility and devoted attachment is relieved by its own wailings, and finds solace in ingenuous grief.

This, which is the sad privilege of the bereaved, when death invades the small circle of personal friendship, and removes some devoted object, becomes, in some degree, the nation, when the victim is the nation's ornament and benefactor. The solemn occasion deserves to be marked by every circumstance of affecting and impressive ceremony. When the father of his country dies, his country should be a mourner at his tomb—and tell the good he did, the evil he prevented—the multiplied blessing derived from a devoted and well spent life.

The desire to live in the memory of those who are to succeed us, is natural to the human soul; and stronger always with men of generous and elevated views. Urged by that feeling, and yielding obedience to the dictates of their own conscience, which with such men is above all other influence, they are as ready to oppose as to humor the impressions of the day, and fearlessly encounter the clamors of passion and prejudice, content to place their vindication on the issue and leave the award to posterity. Their vision is on the future—and whatever be the trials that await them, they expect a sweet return for all, in the thankfulness of those who reap the rich reward of their labor and privations.

It was the happy fortune of the illustrious man, whose services and virtues we this day commemorate, to hear the sentence of his country upon his public life, whilst he yet stood among the generations which he blessed. The voice of congratulation, which never failed of a cheerful audience, as oft and again his countrymen strove to do him homage, bore unerring testimony that the great results to which his life had been devoted, were accomplished, and found worthy the wisdom which designed them.

It is an occasion for devout thanksgiving to the Almighty Disposer of Events, that so many of the men of the revolution, and of the era not less eventful, which immediately succeeded it, lived to behold the full maturity of the new system. Who does not own the mercy of God, in thus sparing them, to witness the triumphant success of the bold innovation, which through years of perplexity and danger, they toiled to mature? More favored than the holy deliverer of captive Israel, they went to their rest in the land of their hopes and affections, leaving it united and prosperous without example. Nor can we fail to perceive other considerations for thanksgiving in the length of days which a kind Providence bestowed upon them. Spared until time, which tests the wisdom of all human contrivances, had placed its seal upon their great scheme for man's melioration, thenceforth the charge of defending and preserving it devolved upon the generation whose inheritance it was. And now or hereafter, to permit it to suffer violence or decay, would be sad folly and the worst ingratitude.

I could have wished that you had selected some one more familiar with the details of the public and private history of our venerable Madison, and endowed with eloquence worthy the occasion, to pronounce his eulogy. His fame is above all general and vague declamation. To do justice to his exalted character, and comprehend to the full extent his claims to the lasting and grateful remembrance of his country, the civil history through a long period must be attentively examined.

It is only by tracing the progress and attending to the formidable obstacles, which opposed the introduction of our wise system of government, that a correct idea can be had of the peculiar difficulties and embarrassments of its authors and early advocates, and the patience, resolution and address which the circumstances demanded. Not only were the subjects new, and the most important that could be submitted to man's judgment; but the position of those to whom they were referred, and who were called upon to institute a new system of civil polity, was without a parallel. And to add to the sources of perplexity and anxious solicitude, the public mind was inflamed and agitated by the questions which grew out of the novel and extraordinary condition of the country. But neither the extrinsic difficulties, nor the perplexity and embarrassments which belonged to the arduous undertaking of constructing anew the "solid edifice of social order and civil and religious freedom," disturbed the constancy or diminished the noble ardor of those to whom it was committed to embody, in enduring forms, the principles of the revolution. And we who are now assembled to pay the last honors to the patriot statesman, enjoy the consolation of knowing, that his name is identified with the rise and maturity of our institutions and civil polity.

The occasion does not admit of the minute historical review, which, as I have said, would alone suffice to do justice to the memory of Madison. Nor would I, if time had been afforded, presumptuously enter upon a task, for which eloquence and comprehension not unlike his own would alone be adequate. There is in truth now no need of such an effort. The solemn observances and the public assembly of the day eloquently express the vivid remembrance yet retained of his invaluable services and devoted life. It was fit it should be so.

The interval between 1783, when peace was declared, and 1788, when the federal constitution was finally ratified, was a period of fearful interest. During the war, the sense of common danger and a common object, made up in some degree for the want of energy and decision in the confederate government; but upon the restoration of peace, the imbecility of the system soon became apparent. The government had contracted large debts, and, to meet the just demands of the public creditors, had to rely upon the tardy and uncertain contributions of the states. The long continuance of the war had impoverished the country, and the people, who had looked forward to the cessation of hostilities as the commencement of unrivalled prosperity, were clamorous and impatient under the privations which they continued to experience. The government was reproached with disregarding the public faith, and the violation of solemn engagements. Among others who complained of injustice, were the officers and soldiers of the army, whose claims were as meritorious as the assurances upon which they relied had been repeated and explicit. It was indispensable to the preservation of the union and the national character, that congress should be invested with the authority to ordain commercial regulations, and effectually to represent the nation in its new relations with foreign countries. But the confederation was viewed with jealousy, and strong repugnance was avowed to the delegation of powers which might render it independent of the states. In fine, the government possessed neither authority to command obedience, nor was the object of such general favor and good will as might serve to conceal its impotency. The country appeared to be verging rapidly to a crisis, and in the full and undisputed enjoyment of independence, its condition seemed more discouraging and desperate than in the most gloomy and disastrous moments of the war.

The frightful ills to which it was exposed, impressed the leading men of that epoch with an anxious and fearful sense of the necessity for reforming the government in those particulars in which it was perceived to be fatally defective; and, as might have been expected by such men, with their impressions of the public exigencies, they sought the situations in which they could be most useful. Hence the congress of 1783, was of unusual ability.

Mr. Madison was a member of that congress. He had been a member of the two preceding; and though but a young man, had acquired an influence, which nothing but great abilities and the purest integrity could have conferred. No better evidence could be desired, of the high consideration in which he was held by the congress of '83, than the fact of his being placed at the head of the committee, of which the other members were Hamilton and Ellsworth, to prepare an address, recommending to the several states, to vest in congress permanent funds, adequate to the payment of the interest and final redemption of the public debt, and to consent to change the mode for ascertaining the proportions in which they were to contribute.

The obvious policy—nay, justice of the measure proposed, was such that it is not easy at this day to imagine the reasons upon which it could be resisted; yet it gave rise to a protracted debate, and encountered strong and earnest opposition. That Madison was selected with two others so distinguished, to prepare an address invoking the acquiescence of the states in a measure to restore and support public credit, is evidence that the issue of the appeal was uncertain, and that great reliance was placed upon his weight of character. The address which, as chairman of the committee, he prepared and reported, was worthy the reputation of the distinguished body from which it emanated, and marked by that fervid public spirit which led the author to regard the good faith and honor of the government with the care with which he preserved his own.

In his "paternal and affectionate letter" of the 8th of June, '83, to the governors of the several states, George Washington, with special commendation, referred to the "dignity and energy" of the address, and, with an energy and dignity peculiarly his own, enforced the obligation of "faithful and pointed attention" to the several duties indicated by the crisis.

The occasion does not admit of an inquiry into the objections alleged against the plan recommended by congress, and which defeated an arrangement sustained by more than parental authority. That and other considerations of interest belonging to the era, and which it will be the pleasing duty of the biographer of Madison to notice, as illustrating the beneficent influence which he exerted over public measures, must be passed over as excluded by the limits to be observed in this address. It will suffice to say, that having applied himself to the maintenance of the credit of the government and of domestic tranquility, and having had the rare fortune to attract the especial commendation of the *father of his country*, he was not to be diverted from his course by the variety and magnitude of the opposing obstacles.

Leaving congress, of which, by a provision in the confederation, he could not be a member for more than three years out of six, Mr. Madison, (who had belonged to the body at a still earlier period), was returned to the legislature as a member of the house of delegates. The theatre of his exertions was changed—but his was that capacious and Catholic public spirit, which is incapable of overlooking the welfare of the whole, whilst occupied in the cares and interests of a part. Careful that nothing should be omitted which belonged to the legislation of his own state, he was no less careful to seize—nay, to make the opportunity of efficient action in behalf of the union.

In January, 1786, the Virginia assembly passed a resolution respecting trade and commercial relations, and appointed commissioners to meet such as might be appointed by the other states, to take into consideration the important subject, and report an uniform system. Mr. Madison, to whom belongs the distinction of being the patron of the measure, was one of the commissioners of this commonwealth. And a resolution, (as the sequal disclosed), which in its terms looked not beyond the commercial arrangements, was the harbinger of our now cherished national government, and may be regarded as its origin—so that Madison was connected with the earliest inception, as he was confessedly with all the later stages in the great movement, which reached its consummation in that wisest and best of human productions, the American constitution.

The commissioners, consisting of a delegation from five states only, executed their responsible trust by adopting an address, recommending a radical revision of the federal system in general convention. The Virginia assembly was the first to approve the measure, so auspicious of peace, union and energy in the administration of the government—and the first, therefore, to repel the trans-Atlantic imputation, "leave them to themselves, and their government will soon dissolve." Mr. Madison hastened to announce the resolution providing for a general convention, and the unanimity with which it was adopted, to general Washington; and added, "it has been thought advisable to give this subject a very solemn dress, and all the weight which could be derived from a single state. This idea will also be pursued in the selection of characters to represent Virginia in the federal convention. You will infer our earnestness on this point from the liberty which will be used of placing your name at the head of them."

We are brought by our rapid retrospect—it could not be otherwise than rapid and general—to the meeting of the federal convention in Philadelphia, in '87. It was the last reliance of the friends of order and of the union, and if it failed, universal dismay would be the bitter portion of the nation. In the care which was every where taken to give weight and influence to the delegation, by the selection of the first men in the respective states, was seen the impressive sense which prevailed of the variety and magnitude of the interests that would be submitted to its solemn deliberation. The interests of a single community had been, in all past time, a task for the highest human wisdom and address. What human wisdom and address were competent to combine and reconcile the jarring interests of thirteen states mutually independent!!

I would claim nothing for Madison, to the prejudice of his compatriots, nor subtract from what his modest and gentle nature esteemed among the highest of his honors, the selection of himself as a fellow laborer with the venerable men with whom he was associated. Impartial history has assigned him a principal and leading agency, in procuring the convention to be called. And as a member, none carried with them a more thorough comprehension of the difficulty of the whole subject; none applied themselves with greater devotion until the end was accomplished—nor was there a character better formed to conciliate by the grace with which he could yield in matters that were unimportant, and the mild dignity with which he would insist in those of more moment. For his eulogy and that of his associates, through a period of laborious, painful and anxious deliberation, more expressive than any description, is a simple reference to the instrument which their wisdom devised. Unnumbered blessings have flowed, and blessings yet untold will flow from it.

When the convention adjourned, the work of reform was but in part accomplished. The constitution had yet to be ratified;

and jealous and vigilant beyond any instance of popular criticism, was the scrutiny to which it was subjected. Here in our own state, where now all profess to hold it in sacred admiration, the question of its adoption was debated between two parties nearly equal in numbers, and each led by men of unquestioned ability and of no less unquestioned public spirit. At that critical juncture, when the cause of the constitution depended upon a judicious and forcible appeal to popular judgment and the love of union, the papers, which are yet preserved under the title of The Federalist, made their appearance. And such were the candor and moderation, the fullness and vigor of the exposition—so visible the marks of honest conviction, and patriotic solicitude for the result, that party was disabused of its fierceness, and for once submitted to be instructed. In a life less illustrious, and furnishing fewer examples of severe and active wisdom, the numbers which he contributed to the series would alone be a monument of the devotion to great national results of rare and splendid endowments. In the life of Madison they serve as an imposing memorial, that his efforts were unremitted until the constitution rested in safety.

Of all the deliberative bodies of which he was a member, perhaps that which made the greatest demand upon his "philosophical mind and the copious resources of his mature and disciplined wisdom," was the Virginia convention in 1788. We can never recur to that assembly without sentiments of mingled pride and veneration. The alarms, agitations and evils of the time, we only know as matters of history; but in the memorials which have descended of the unsurpassed ability and eloquence of the men of the convention, we feel a filial interest, as associated with the glory and renown of the commonwealth. Whatever reasons there were for regret, at the time, that Madison and Henry held opposite opinions, none now would have had it otherwise. It served for an occasion to display those pre-eminent endowments, not of the champions only, but of others, their colleagues, that shed an unfading lustre upon their country. Of Marshall, among others, himself an early champion of his country, as he was in subsequent life one of her brightest ornaments—loved, revered for the unsurpassed excellencies of his character—who but recently hath gone to his reward, whilst yet his admiring country trusted that his honored days would be prolonged.

At the close of a toilsome session, the Virginia convention adopted the constitution and the small majority of ten, by which it was carried, is a perpetual memorial of the indefatigable zeal and power of oratory with which it was resisted, and of the almost superhuman vigor and devotion that sustained it. Madison might thenceforth have reposed from his labors, secure of the respect and veneration of succeeding ages. He had become memorable whilst he was yet in the early vigor of manhood, and in the large agency which he had had in quieting the public mind, in diffusing sound opinions of government and sentiments of respect for its authority, in adapting the legislation to the novel condition of the country, and its high destiny, and in maturing the federal constitution and procuring the acceptance of the people, might have rested, as the evidence of a well spent life.

After the adoption of the federal constitution, he continued to serve his country for a period of nearly thirty years, in congress, in the legislature of the state, at the head of the department of state, and as chief magistrate of the union.

It would be no less interesting than calculated to deepen our impressions of his activity and influence, to notice the important agency which he had in the settlement of the numerous subjects which claimed the immediate attention of congress under the new government. Time, however, does not permit. But, as suggested by the previous narrative, and as illustrating his great anxiety to redeem the constitution from just objection, by guarding against the danger of perverting or abusing its powers, it should be mentioned that, at the first congress, he introduced and carried a proposition for its amendment, by the addition of several new articles. The proposition was ratified by the legislatures of three-fourths of the states, and thus made a part of the constitution. A later and yet more memorable instance of similar public service was the resolutions of '98, and the report of '99, known as Madison's resolutions and report. He had been long admired as an author and advocate of the constitution, but was then to appear in the new character of commentator, and impartially to unfold its meaning and define the limits of the authority of the government. It was at a period of excitement; questions of deep import distracted the public councils and agitated the people; and in the opposing divisions, on either side were many of those who had assisted in laying the foundations of our civil fabrics. At that critical juncture, the public mind of his own state in a condition of peculiar exacerbation, he was called once more to the legislature, to exert his benign influence in composing popular uneasiness, and to rescue the constitution from (as was believed) imminent peril.

The manner in which he met the occasion and disposed of the grave subject, marked a new era in the politics of the country. So conspicuous was the elevation of his character, and such the grace of his modest and unassuming deportment, that those who dissented from his conclusions, no less than those who followed in his lead, paid him the homage due to superior wisdom and virtue. No state paper has appeared, which has excited such a general and wide spread influence over public opinion, as the report of '98; and it is yet referred to as authority; by a number, which the course of public measures has perpetually enlarged. If as our state pride inclines us to believe, our cherished commonwealth has had, and we trust still has, a high character with her sister states for just comprehension of the constitution, and devotion to its principles, the enviable distinction is to be ascribed in no small degree to Madison and his celebrated report.

Mr. Madison was secretary of state at a period when the diplomatic relations of the government were especially critical and unsettled. And when he was advanced to that higher station, the highest to which his country could elevate him, as a pledge of her affection, and the proof of her reliance upon his wisdom, the administration of the government was signally arduous and responsible. For his administration it was reserved to commit the government to that last and severest of all trials, war—with a nation strong in her resources and proud in her military renown.

There were diversities of opinion and contentions among public men in respect to points in his administration, as there had been in respect to all those which had preceded him. The charities of this occasion forbid allusion to party triumphs. But though we may not allude to such topics, we may speak of facts that are notorious, and not less true, than they are the occasion of congratulation with all parties. None hesitate to bear their grateful testimony to the signal purity and simplicity of the chief magistrate. All admit that the war which it was his fortune to declare, and better fortune to terminate, elevated the government to a proud eminence in the view of the world, and invested the name of an American citizen with a new title to consideration and respect. All, as they look back upon the trials through which he conducted the government, not safely only, but with honor, feel an unwanted glow of devotion to their country and her institutions. As one of our chief magistrates, the memory of Madison will be honored, as long as the glory of the country is any part of its concern.

Looking back upon his long career of public service, as he passed from one high trust to another yet more responsible, what is there wanting to complete his title to be considered as the benefactor of his country? What to secure the fame to which a patriot may aspire, and is a patriot's reward? On what occasion was he unequal to the exigency, and what state exigency did he not encounter? When his career commenced, you were without a constitution—your government without authority—and the times were portentous of instant and fearful disclosures. Aided by his compatriots, he gave you a constitution, an efficient government and union—and with these he added what, in a peculiar and emphatic sense, was his own, the example of an upright and conscientious functionary. None ever imputed the existence of a selfish, or mercenary, or factious motive—or complained that he was wilful and had disregarded the public interest—or impatient and had mistaken it. The scrupulous regard to the minutest propriety which was conspicuous in his private relations, was exhibited in all his official acts. Sensible that our institutions have no other foundation than the attachment and confidence of the people, he endeavored to confirm their confidence and attachment by the mild, impartial, conscientious and dignified manner in which he administered the powers with which he was invested.

The last public scene in which he appeared, passed in our immediate view. You well remember the venerable appearance of the venerable man. The spirit of earlier days glowing in his aged bosom, he came up to assist the men of another generation in revising and amending their constitution. What could be more lovely and impressive than the spectacle!! The patriarch of the land—the object of universal affection and benediction, returned to the labors which distinguished him in the infancy of the republic! The interest of the occasion derived additional solemnity from the union with him and two others, alike the relics of a former age; memorable for the variety and extent of their public service, and venerable for every virtue and excellence. More than forty years had intervened since they last met in convention—again they met in convention, for the last time, mutually esteemed and honored by one another.

Thus closed the public life of the aged Madison—the end in perfect harmony with the beginning. He had occupied the highest stations to which a citizen may aspire, and possessed an influence, that the personal consideration in which he was held carried beyond the limits of official importance; but such was his unaffected modesty, he seemed unconscious of his honors, and concerned about nothing but his duties. The example of a high functionary is scarcely less important than his official acts—the errors and aberrations of a private citizen at most, but disturb the current of public sentiment, whilst those of leading men tend to corrupt the fountain. Madison was conspicuous for grace, propriety and dignity, no less than for clear and thorough comprehension of the complicated and arduous subjects of civil policy, and the ability and energy of his labors. On the various theatres that brought him in connection, and often in collision with the first men of the age, than which no age has been illustrated by a greater variety and splendor of endowment, moral and intellectual, he displayed a capacity for public business which always placed him in the first rank, and the admiration which his talents attracted mingled with respect and esteem for his virtues. It was the disinterested and chastened public spirit of which his daily life was the witness, that fitted him for the singular success which attended his efforts, and gave him power to prevail over minds pre-occupied with opposing

opinions. It was impossible to see him without being struck by his modest and unpretending manner, which in a measure concealed his talents and virtues, nor to meet him in private without being cheered and enlightened by his presence. His fame is engraved on the polished pillars that support the noblest fabric which man has constructed—and as often as we admire its beauty, and glory in its being the strength and ornament of our land, we should think of the accomplished and devoted artist, and if we may not aspire to his mental eminence, emulate and practise his virtues.

Madison is no more! No more can we apply to him for counsel, or summon him to our aid! Full of years, time having ratified the beneficence of his plans for the welfare of his fellow men—he was gathered to his fathers. But he yet survives in the institutions, in the renown, and in the affections of his country. He sought in life no distinction but that which might attend the unremitted devotion of his time and powers to civil and religious freedom. He asked nothing in return, but a father's request, accompanied by a father's blessing, that his country would be faithful to her obligations.

THE LATE GROSS OUTRAGE UPON MR. CHURCHILL.

Correspondence of the London Morning Chronicle.

Constantinople, May 21.

All Constantinople has been in an uproar about the affair of Mr. Churchill, whose case was mentioned in my last. As soon as the minister for foreign affairs refused to give him up at the demand of lord Ponsonby, the affair ceased to be personal, and assumed strictly the form of a national question. The Turkish minister had refused to conform to treaties! Our ambassador, therefore, broke off all communication with the porte, and demanded an audience with the sultan, with a view, it was conjectured, of asking his highness with what minister he is henceforward to transact business, as he cannot possibly continue to have intercourse with one who has carried his insolence so far as to set at defiance the existing engagements. The minister for foreign affairs has so completely committed himself, and lord Ponsonby has declared so openly to have signal satisfaction, that the minister and the ambassador will not be able both to keep their posts. Two men cannot well stand on the point of a dagger. It is not a little remarkable that the Turks should have selected Mr. Churchill as an object of their vengeance, when it is known to every one that he has for years past, as a public writer, been one of the warmest of their advocates—a man who had no small share in exciting public opinion in Europe in their favor. But then he has seen clearly the interests of his own country, and has been an uncompromising enemy to Russia, the progress of whose projects he has been active in pointing out. Now, as I have said a hundred times, it is not the Turks who rule here, but the Russians. The former would have made no difficulty about giving up Mr. C. but on Monday the 9th instant, a Russian drogaman and the reis effendi were closeted for two hours, and when the interview terminated our countryman was sent over to the bagnio with a regular firman of committal, just as if he were a common felon, a convicted thief, or a confessed murderer! The French ambassador got scent of this, and despatched to Mons. Boutenieff, his secretary of embassy, to say that such a rumor had got afloat, and that he hoped the Russian minister would take the earliest opportunity of proving that it was a calumny. When, therefore, all the ambassadors sent in notes, to protest against this invasion of Frank privileges, the Russian was the first who got his note in.

On the 12th, just before sunset, as Mr. C. was beginning to read away his tedious evening, he heard a rush towards his cell, and in an instant its doors was thrown open, and he was summoned forth—whether to death or liberty was to appear afterwards, and he soon perceived that the Turks, finding him too hot to be held longer without burning their fingers still more seriously, were determined to get rid of him. Mr. C. asked if he was to be released by the hand of his ambassador or not? and on learning that he was not, he refused to leave the prison with his own consent. The officers, therefore, *put him out* without it; his irons were removed, and he was told to go about his business. He therefore got into a kaick and went home. No longer supported by the excitement of his peculiar situation, he had scarcely reached the bosom of his family, when he was seized with a fever. He has since been visited by medical men, (who were refused admittance into the bagnio when he most wanted them), and by leeching, bleeding, poultices, lotions, diet and repose, they have got him round a little, although he is not yet able to leave his room. One of the many blows he received whilst in the hands of an infurated rabble and a lawless military, has left severe pains in the chest, which he may carry with him to his grave.

I have yet to learn what is the exact nature of the satisfaction lord Ponsonby will demand, but I suppose it will be the personal punishment of all who had a hand in exercising their cruelty on Mr. C. the dismissal of the minister for foreign affairs, some guarantee for the future good behavior of the Turks, and a compensation to Mr. Churchill adequate to the magnitude of the offence committed. Lord Ponsonby has a difficult part to play, for whilst he must insist upon complete satisfaction being given, he has our national interests to attend to, and these require, on the part of England, the greatest tenderness towards the Turks. To quarrel with them in the mass will never do; and, after all, the misconduct complained of has been committed only by a few individuals, whose services the state can do very well without. Suppose that in our rage against these few individuals, we wreak our vengeance on the whole nation, we should be acting in a most silly way. If we love not the Turks for their sakes, let us still love them for our own. Gold has been the ruin of many a man, and yet we should deem them mad were they, on that account, to throw into the sea all the gold that subsequently came into their hands. When our vital interests are concerned, we must divest ourselves of passion and prejudice. England must not, however, omit to punish severely the occasional misconduct of Turkey. Even a spoiled child now and then meets with chastisement, and if we do not make a stand on this occasion to secure our rights and liberties here, we shall lose them to all eternity! The porte has been anxious to establish that it should have the power to exercise its police, even when foreign subjects are concerned, without the interference of the ambassadors; but it has been proved now, as many a time before, that it is not to be trusted with that power. Mr. Churchill was nearly murdered, without being allowed the benefit of a single word he had to say in his defence, and when the reis effendi sent him from the tumruk to the bagnio, he never saw one countryman. He might say it was useless to see a Frank who could not understand his language, but that excuse would not hold good in Mr. C's case, as he happens to know Turkish for all common purposes, nearly, if not quite as well as any other language; and when at the kehaya beys at Scutari, he was asked his name, he wrote it himself in Turkish, as the kiatib had some difficulty in making it out, so that they could not pretend that he was punished because he was unable to explain himself. He told all the chiefs wherever he was, that he had for years spoken well of the Turkish empire. He had better have concealed this fact, for it only secured him worse treatment. There are few people in the world, who like to be told of their own weakness. One of Mr. C's intimate friends, a gentleman of high rank, inquiring after his state, said "he was ashamed to go near him because he was a Turk," a delicacy in a well regulated mind by no means incomprehensible. All the Frank world are on the tiptoe of expectation to see exactly how lord Ponsonby will act in this affair.

Ever since my last the fete of the circumcision has been going on, and it will not finish till to-morrow. It has proceeded more slowly than would otherwise have been the case on account of the extremely bad weather last week. On the 13th we had the severe cold of winter, and they write from Adrianople that a considerable *fall of snow* took place there on that day. Yesterday the foreign ambassadors went to the Sweet Waters, on an invitation to dinner with various ministers and grandees, some with one and some with another. I have heard that the reis effendi and lord Ponsonby met at the seraskier's tent, but have yet to learn what may have passed between them. The Turks have of their own accord dismissed the kehaya bey of Ahmed Pacha, and the kadi of the Mekemme of Scutari, which is an earnest of their desire to give every satisfaction to our ambassador.

We have a report in town, which if true, will excite great indignation almost throughout Europe. It is that the Russians have actually marched 12,000 men through Wallachia to Silistria, which is really violating the Turkish territory, for the purpose, it is alleged, of assisting in the evacuation and conveying guns, stores, &c. back to the Russian territory. Russia has so many *arrieres pensees* in all she does, that I must confess I do not like the look of this fresh manœuvre of hers.

Sir Henry Bethune proceeds in two days for Persia, in the mercantile steamer the Essex, which will take him as far as Trebisonde. He takes with him lieutenant Wilbraham and eight sergeants of the rifle brigade, to teach the young Persian idea how to *shoot*. J. R.

Mr. Churchill addressed the following to lord Ponsonby:

(Copy.)

"*Kadikuoy*, 13*th May*, 1836.

"My lord: Although confined to my bed, in consequence of the injuries I have received, I hasten to lay before your excellency a statement of my case. I should have done so whilst still in my bagnio, but was ever led to suppose that my liberation would take place immediately.

"On the afternoon of the eighth instant, being out with my gun and dogs, I fired at and shot a quail. In going to pick up the bird, I observed a small Turkish boy at a distance of about 90 to 100 yards, who was crying out that I had wounded him. As my charge was not heavy, and the shot was the very smallest to be found in the country, I could scarcely credit this, but ran up to satisfy myself that the child was not seriously hurt, with a view of offering all the consolation in my power. I was soon surrounded by such Turks as were in the immediate neighborhood, and was exposed to blows of many. One young ruffian in particular, whom I shall have no difficulty in identifying, was liberal in his practical abuse, and but for the cooling counsel of older heads, I verily believe he would have killed me on the spot. I confined myself to the defensive, and made no difficulty in giving up my gun, one barrel of which was still loaded, signifying at once my consent to await the arrival of the guard, which had been sent for, without making an attempt to escape. About a quarter of an hour may have elapsed before the guard came up, and the bystanders amused themselves in the mean time in heaping upon me a load of imprecations, the young ruffian named keeping me ever on the alert to evade off the blows it was his constant attempt to put in with his fists. The guard came, consisting of a *mulasim* or lieutenant, a ser-

geant and a corporal, I believe, and three or four men. To the former I immediately explained who I was, how the accident occurred, and assured him I was ready that instant to accompany him to the superior authorities. I soon perceived that it was intended I should receive, then and there, a sample of Turkish justice, which first punishes and then inquires into the merits of a case. I therefore warned the lieutenant of the consequences of the step he contemplated taking, and resisted to my utmost the attempt of three or four men to throw me on the ground. One of these in particular had shown a ferocity which found vent only in deep curses and hard blows. I shall not fail to recognise him. The soldiers having succeeded finally in bringing me with my face to the earth, secured me in that position, and two men, with the regular police sticks used for torturing theives, murderers and others, administered the chastisement that had been determined on. I cannot pretend to say what was the exact number of stripes (they may have been 40 or 50), but this I know, that every one has left a mark as long and as broad as the hand of a man. I have exhibited a specimen of these marks to captain Johnstone, of the Madrass army, who was perfectly shocked at it. The stripes having been suspended, I was picked up from the ground and marched off to the office of the kehaya bey of Scutari, the slightly-wounded child being mounted on an ass, which I thought a very proper conveyance for such an expedition Had he been seriously injured it would have been cruelty thus to parade him about. He was first carried with much triumph and exhibited to the kehaya bey, to whom I was then introduced. On my entrance he started up from his sora with a fury perfectly demoniac, heaped curses on my head, *refused to hear a word I had to say in my defence*, and seemed to deliver me over to the carassee to exercise their cruelty on me. Indignation boiled in my breast, and in one of these myrmidons of lawless power, who was particularly conspicuous for being more brutal than the rest of his fellow brutes, I said they might do what they pleased, but *he* should repent of his ferocity, a threat which only served to add fuel to the fire. This man consoled me for the unmerciful beating I had received by assuring me, with a solemn oath, that had I fallen into his hands, he would not have ceased his stripes until the last spark of life had been beaten out of my body! To him and two of his fellows I was intrusted, in order to be conveyed to the mekemme of Scutari. Scarcely able to walk, and with a violent pain in my chest, brought on, as I thought, by an extravasation of blood in the lungs, my speed was kept up by the knocks and pushes of the carasses in general, and of the brute *par excellence* in particular. Having reached the mekemme, and the child having first set a whining and then produced to conjure up the storm which it was considered needful should attend me every where, I was dragged to the upper story. At the top of the stairs a tall young man in the garb of a gentleman received me, bearing in his hand a cane which he demolished with due heroic fury over my devoted head and face. I here expected further ill treatment; but a suspension took place.

"The chief of the office, whoever he was, declared that as a Frank was in question, he would have no hand in further tormenting me, as it was a matter which concerned the oumouri kharidjie naziri. This was consolation of the right sort, and hope began to dawn upon me for the first time. I had fully expected a second bastinadoing, and felt I might not have survived it. A Turkish surgeon was sent for. He examined the wounds of the child and pronounced them to be slight, and I was afterwards called in to hear a note of the injuries read over. I was not allowed to say a word of course—a statement of the whole affair had been already drawn up at the dictation of my accusers; and on my remonstrating against such a proceeding, I was told this was a keshf (estimate of damages) and not a muraffe (trial). All having been settled at the mekemme I was made over to a carass of the kehaya beys, and when alone he showed himself to be more humane than when herded with the others. He allowed me to enter a Jew's shop, and write a note to let Mr. Pisani know how I was situated, and I have no complaints whatever to make against him. I then understood that I was to pass the night in the pirelike (prison—literally place of fleas) at the kehaya beys, but that was not the case; a kiatib drew up a note of the affair for the oumouri kharidjie naziri, after having ascertained from myself who and what I was. Whilst this was being copied, my faithful pointers, which had never quitted me an instant, were taken care of. I had a pleasure in seeing that a sympathy was extended to them which had been denied to their master. Turks appear to have a fellow feeling for dogs which they cannot entertain for men, whom they resemble not.

"From the kehaya beys I was sent under charge of the humane carass, who had orders to deliver me over to the oumouri kharidjie naziri, with a note of the accusation against me. It being already sunset ere we reached Constantinople, I was thrust into the tumruk to await the excellency's orders, and there I passed the night, the dirty boards my bed, a filthy rag borrowed from a fellow prisoner my only covering. A high fever, however, kept me warm, and my sufferings were such that I required all my philosophy to bear up under them with any thing like complacency. The rest your lordship must know, when I was honored with the ponderous chains of the bagnio, and when I was driven forth from thence without being told why I was released. The bagnio, black as it is, is comparatively a bright page in the history of my sufferings. Captain Kelly and Mr. Rhodes took good charge of me there, and every comfort I could require or enjoy in such a place was supplied, without any objection being made by the goalers. They are particularly civil, and can bear testimony that it is a well-regulated establishment.

"I cannot refrain from stating to your lordship that during the time of my confinement a galley slave (a Cephaloniot, Demetrions Caligha by name) acted as my servant, to my entire satisfaction. This man was put into the bagnio seven years ago, in consequence, it would appear, of having been caught in a tavern brawl, in which a Turk had been stabbed by one of Demetrius' companions. The companion, though equally a Cephaloniot, was beheaded as a rayah, and Demetrius remains in bondage to this day, probably without the means of making his case known to your excellency. I inquired into the man's conduct since he has been a captive, and have pleasure in stating that I was told it has been exemplary.

"Your lordship will perceive that there have been various individuals who made themselves conspicuous as my tormentors, viz:—

1. A young man of Kadikuoy.
2. A chaoush or onbashi of the guard.
3. The mulazim (or his superior, if he was acting under orders).
4. The kehaya bey of Ahmed Pacha. (This ferocious fanatic old fool, perhaps, flies too high to be easily brought down; but your lordship must be aware that he is notorious for his zeal in the persecution of Franks on every possible occasion. I am much mistaken, or, like some of the blood-thirsty tyrants of old, he would wish to see the whole Frank world standing before him with one neck, that he might have the supreme gratification of severing it at a single blow.)
5. One of his carasses.
6. The *gentleman* of the mekemme of Scutari.

"If the state of my health permitted it, I should have done myself the honor of waiting upon your excellency, in order to give verbally any further details or explanations that may appear necessary. I have the honor to be, &c.

(Signed) "W. N. CHURCHILL.

"*To his excellency the right hon. lord Ponsonby, &c.*

"P. S. to the above. Between three and four years ago a young rayah accidentally shot me near Meideven Kuoy. The entire charge of his gun entered my forehead and scalp, and laid my skull bare to a considerable extent. Although this occurred in an open plain, and at a distance of ten yards, so far from seeking to have the young man punished, I lost no time, after being myself taken care of, in sending a surgeon to bleed him, as I was fearful that his excessive grief and agitation might be injurious to him; and as a further proof that I bore him no ill-will, I placed in his hands a few days afterwards, a present of 150 piastres in money. For myself I labored under the effects of the accident for six months, and to the day of my death a portion of my cranium will remain visible; but I have never uttered the slightest reproach against the innocent cause of my sufferings. It was perhaps needful to make known this affair, as it presents a striking contrast between the conduct of a civilized being, and that of vindictive barbarians, under circumstances precisely similar in their origin and result."

N. B. A second letter was addressed to lord Ponsonby, detailing the exact mode in which the bastinado was applied, giving particulars of the precise treatment experienced in the bagnio, and of the mode in which Mr. C. was sent away from that prison, with various other explanations, calculated to make his lordship perfect master of the subject.

THE LAST OF MAJOR DADE'S COMMAND.

From the Charleston Courier.

We have had some conversation with Ransom Clarke, the sole survivor of the detachment under major Dade, massacred by the Indians after a gallant contest, last December. The circumstances attending the escape of Clarke are truly miraculous.

It appears that the suprise of the corps was complete. About 8 A. M. of December 28th, major Dade rode in front of the column of march, and told his men to "have a good heart; that their difficulties and dangers were now over: and as soon as they arrived at Fort King, they should have three days rest, and keep Christmas gaily." The words were scarcely out of his mouth, when a discharge took place, and the major and his horse both fell. This sudden attack naturally disconcerted the troops, but in three minutes they were all as steady as veterans, and the fighting commenced in earnest. It continued with varied success, until the six pounder came up, on the discharge of which the Indians retreated, advantage was taken of this, and a hastily constructed breastwork was thrown up, in expectation of another attack, which took place in about an hour, when the enemy came on like devils, yelling and whooping in such a manner, that the reports of the rifles were scarcely perceptible. The action lasted from 8 A. M. to 4 in the afternoon—the United States troops amounted to 117, and the Indians are supposed to have been 800 strong with 100 negroes, who were more savage than the Seminoles. The enemy fired principally from a distance, and only made one charge with tomahawks and clubs but were repulsed. So long as a man stood, the resistance continued; and the six pounder was fired quickly and regularly as long as men remained to load it. At the end of the action, the inclosure within the breastwork was a foot deep in blood. With respect to the officers, as long as life remained they cheered and encouraged their men, and fell sword in hand. Captain

Fraser, second in command, and lieut. Mudge fell at the first fire, when the major was killed. Clarke was at the extreme right flank, and when he heard the crack of the rifles he looked at the major for the word of command, but a volley from 800 rifles swept the advance guard entirely, and not a man remained standing. Lieut. Henderson had his left arm shattered, and lieut Keys had both arms broken. The latter got one of the men to tie both arms with a handkerchief, and was placed against a tree, where he was tomahawked by the negroes. The troops then took each to his tree, and an irregular firing commenced, till the arrival of the six pounder and the temporary retreat of the Indians as above mentioned.

At the second attack nothing could equal the coolness and deliberation of the troops; and as Clarke observes, "they were as cool as if they were in the woods shooting game." The weather was very warm, and about 1 o'clock the action began to slacken, upwards of 60 or 70 having fallen, and two officers only then surviving, capt. Gardiner and lieut. Bassinger. While a man could load a musket, the firing was continued. Capt. Gardiner received 5 or 6 shots before he fell; the mortal wound was in the breast. When he fell, Bassinger said, "now, my boys, let us do the best we can—I am the only officer left;" and the firing recommenced. About half past 2, he was brought down by a rifle shot in the thighs, and he was afterwards cruelly massacred by a negro. Clarke received his first wound in the thigh, about one o'clock, outside the breast work, which brought him to the ground. He soon recovered himself, and crawled and limped in. He placed himself along it and commenced firing in that position, but in the act of elevating the musket, received a wound between the elbow and right shoulder. He still continued to fire and load, but again received two wounds, one in the head from buck shot, and a small rifle ball in the back He still kept on till about 4 o'clock, when he received a ball on the right scapula from a negro; who, when he fired, cried out "There damn you!" This disabled him, and he fell on his face, and continued motionless. The enemy immediately rushed into the breast work, and took possession of the arms and ammunition, provisions and baggage, which they carried out of the fortification. About 50 or 60 negroes then came up on horseback, and began stripping the dead, and cutting and mutilating all who showed any signs of life. They seemed to be in a hurry, and after finishing their work of slaughter, they hurried off. All this time Clarke was lying by the side of Bassinger, and they stripped his jacket off, one observing, that "he had a wound in the head, and was not dead." Another said "let him lie; he will suffer more than if he were killed outright." One of them remarked, that "he had a good pair of boots on, and they would fit him—whereupon he pulled them off, and they departed precipitately. This was about four o'clock, and Clarke remained as the negroes left him, till about nine, when he got up, and looking around in the moonlight, he crawled over the bodies, and feeling one warm, found that it was a private, named De Courcy, who was wounded in the side and left arm, but slightly. Clarke told him that he was thinking of trying to get back to Fort Brook, on Tampa Bay, about sixty-five miles distant. He agreed to accompany him, and Clarke crawled along on his left hand and knees part of the way, and part of the way he was led by De Courcy. Next day, about noon, they came upon an Indian on horseback, who was loading his rifle. They agreed to separate, in the hope of easier escaping him, and Clarke darted into a hammock of palmettos and brush. The Indian pursued De Courcy, and fired, but missed. He then crossed a road, and ran over a hill, which was the last Clarke saw of his hapless comrade. After hearing the report, Clarke, from his retreat, saw the Indian return on horseback, and rode about the hammock, searching all around. At one time he came within ten feet of him, but at length gave up the pursuit and rode away. Clarke then resumed his painful journey, and on the fourth day after the massacre got into Fort Brooke, where he found private Thomas, one of the detachment who had also escaped; and next morning, another, named Sprague, came in, but they are since dead, and Clarke is the only survivor of this gallant and devoted band.

The foregoing particulars are taken from the lips of this brave man, and they are here given with a view of showing what men suffer in the defence of their country, and to urge his claims upon the sympathy and benevolence of his fellow citizens. He is a fine looking young man, in the prime of life, with his right arm irreparably injured; willing to labor for his subsistence, but the hostile shot has crippled him; and it is to his country he must look for support, in the condition he has been reduced in that country's service. We hope that the appeal may not be in vain, and that those who regard patriotism and bravery, valor in the field, and heroism in the utter extremity of human misery, will open their hearts and purses to this brave soldier.

In order to give as much efficiency as possible to the plain and simple narrative here recorded, we subjoin an official document, which discloses the present condition and the future prospects of this disabled soldier.

Washington, June 23, 1836.

Ransom Clarke, late a private in major Belton's co. 3d U. S. artillery, one of the three individuals who escaped from the massacre of major Dade's command, on the 28th December, has just made a tedious and painful journey from New Orleans to this city, to obtain the pension allowed him by law. The pension commences 3d May, eight dollars per month; the first payment is due 4th September. Clarke received five wounds in battle—one on the right shoulder, depriving him forever of the use of his right arm; one in his right thigh; one in his right temple; one in his arm, and one in his back. The wound in his shoulder is yet open, and an expoilation of the bones occur almost daily

What adds, if possible, to the interest of Clarke's situation, is the fact that he is the only survivor of a boat's crew in Mobile bay, in January, 1835, when lieut. Chandler and five men were drowned by the capsizing of a boat belonging to Fort Morgan. Clarke has expended his pittance of pay in his journey here, is without funds, and can receive no portion of his small pension until September.

This brief statement is made with a view of procuring donations for his immediate relief. The appeal is made without Clarke's having solicited it, by those who know the truth of his story. His honorable discharge, and surgeon's certificate of disability, are on file, and duplicates in his possession.

J. H. HOOK, *major U. S. A.*

REVOLUTIONARY INCIDENTS.

From the Fredericksburg (Va.) Arena.

COLONEL LAURENS.

The late major *William Jackson*, of Philadelphia, was a member of general Washington's military family, during the war of the revolution, and was subsequently secretary of the convention which framed the federal constitution. He was in the habit of keeping a journal, and we are indebted to the kindness of a friend for the following very interesting extract, copied by major Jackson himself:

Colonel Laurens was one of the most gallant and accomplished men of that revolution, of which he was the latest victim, and had his life been spared, there is no doubt he would have taken an active part in the subsequent affairs of the country, and probably have risen to its highest honors.

Major Jackson's journal has never yet been published. We understand that in consequence of a promise made to Mr. Madison, he laid an injunction on his executors not to let it see the light during the life of that gentleman. It will form an important addition to our stock of information relative to the formation of the constitution, and we hope to see it forthwith.

EXTRACT.

In the sixth year of the war of independence, the events of the campaign had been very adverse to the American arms, and at the close of 1780, the resources of the United States were in extreme depression. General Lincoln, who commanded in the southern department, after a brave and protracted defence of Charleston, against the army and fleet under sir Henry Clinton and admiral Arbuthnot, was compelled to capitulate and to surrender his gallant garrison prisoners of war.

By this success, and the subsequent defeat of general Gates, at Camden, the British forces gained a control in the south, which threatened the most extensive and disastrous consequences. The main army, under general Washington, reduced by detachments to the southern states, was badly clothed, irregularly provisioned, and without pay; the magazines were empty, the treasury exhausted, and the public credit of no avail.

In this alarming crisis of the national affairs, gen. Washington convened a council of his most confidential officers—a faithful and minute representation was submitted to congress—and it was respectfully suggested, as the most immediate means of relief, that a special minister should be sent to France, to solicit a loan of money, and supplies of clothing and military stores, with a request that a naval superiority might redezvous on the American coast, at an appointed time, to enable the commander-in-chief to undertake offensive operations against the dispersed posts of the enemy.

Congress acceded to the opinions of this interesting communication, and referred the nomination of the minister to general Washington, whose selection of the "all accomplished Laurens," justified the confidence of government, and secured the successful completion of this important trust. As aid-de-camp to general Washington, colonel Laurens was fully informed on every subject that could give furtherance to the negotiation, and being perfectly master of the French language, he possessed in an eminent degree, the power of illustrating all its objects. By the partiality of his gallant friend, the writer of this memoir was appointed secretary of the mission.

On the 9th of February, 1781, we sailed from Boston in the frigate Alliance, captain Barry, and arrived at L'Orient in twenty days. Pursuing, without delay, his route to Paris, col. Laurens met the marechal de Castries, minister of marine, then on a visit to the seaports, at Hennebond, and having announced himself to the marechal, he very politely directed relays of horses to expedite our journey.

On his arrival at Paris, colonel Laurens entered on the objects of his mission, and repaired to Versailles, was introduced under every advantage that distinction of character, ardent zeal of disposition, and consummate ability to demonstrate the reciprocal interests of America and France, could confer. Having delivered his credentials, and been graciously received at court, memorials, explanatory of all the views and objects of his appointment, were immediately presented to the count de Vergennes, minister of foreign relations, and they were repeated and enforced by personal intercourse, from the 6th of March to the 2d of May, when colonel Laurens conceived from the protracted state of the negotiation, that it was the policy of the cabinet of France, by delaying the aid which he solicited, to exhaust the power and resources of Great Britain and America,

and to render both subservient to her views. Under this impression, and a belief that it was rather the policy of the ministers than the king, colonel Laurens decided to make a representation, which should condense all the essential points that had been heretofore stated—and this paper he determined to place in the king's own hand.

A memorial, embracing a luminous statement of facts, with clear deductions from them, was accordingly prepared, and, on the morning of the levee day, when it was to be presented, we went to the cabinet of the count de Vergennes, where we found Dr. Franklin and the count. Colonel Laurens, introducing the subject of his mission, was urging with his usual animation, the necessity of a compliance with his solicitation, when the count de Vergennes, in a manner at once smiling and sarcastic, observed—"Colonel Laurens, you are so recently from the head quarters of the American army, that you forget you are no longer delivering the orders of the commander-in-chief, but addressing the minister of a monarch, who has every disposition to favor your country." Colonel Laurens rising from his chair with some emotion, stepped to the opposite side of the room, and turning to the count, addressed him in nearly the following words—"Favor, sir! the respect which I owe my country will not admit the term—say that the aid is mutual, and I cheerfully subscribe to the obligation. But as the last argument I shall offer to your excellency—the sword which I now wear in defence of France as well as of my own country, unless the succour I solicit is immediately accorded, I may be compelled, within a short time, to draw against France as a British subject."

The force of this brief but appropriate remonstrance was keenly felt by the first diplomatist of Europe, and some time elapsed before the count was sufficiently collected to say, "Mais voila le bon Monsieur Franklin, qui est content de nous." 'No one," replied colonel Laurens, "respects that venerable gentleman more than I do—but, to repeat your excellency's observation, I am so recently from the head quarters of the American army, that many circumstances of the highest interest are familiar to me that are yet unknown to that worthy man. I must now inform your excellency, that my next memorial will be presented to his majesty in person. I have the honor respectfully to salute you"—and left the room. On reaching the door colonel Laurens remarked on what had passed and said we must go to court, where the act will finish.

The special minister of the United States was announced, and we entered the audience apartment, where the king was standing in the centre of a semi-circle, having the old count Maurepas on his right, and the count de Vergennes on his left. Having bowed to his majesty, colonel Laurens instead of passing among the foreign ministers, advanced towards the king and saluted him a second time, and approaching nearer to him, presented the memorial, which was received under some embarrassment—for although, as being an accredited minister, it was not refused, the innovation on the forms of the court, was altogether unexpected—and the king gave the paper to the marquis de Segur, the minister of war. The looks of all present marked their surprise.

When the ceremonial of the levee was over, we went to the inn, where we dined—and on our return to Paris, in going by Dr. Franklin's house at Passy, I asked colonel Laurens if he would not stop and see the doctor; he said he would see no one till he knew the result of that day's proceeding. The next morning, while at breakfast, he received a note from Mr. Necker, requesting an interview at 12 o'clock. On entering the drawing room we found Mr. and Mrs. Necker, and the late Madam de Stael, at that time a young lady about 13 years of age. The ladies having retired, Mr. Necker said to col. Laurens: "I have the honor to inform you, by instructions of his majesty, that the loan which you solicit in your memorial of yesterday is accorded. The fifteen hundred thousand livres which you request, may be sent to major Jackson at Amsterdam, for the purchase of clothing and military stores, will be forwarded from Brussels—and any other accommodation connected with my department will be cheerfully granted."

On the next day colonel Laurens was asked to an interview with the marechal de Castries, who said, I am directed by his majesty to say, that the count de Grasse, who is now at Brest, with twenty-five ships of the line, bound to the West Indies, will, conformably to the request in your memorial of yesterday, repair to the American coast at the time general Washington shall point out. The howitzers, which you want, cannot be furnished from the marine arsenal, as we have none of that calibre; but major Jackson will be able to procure them in Holland. The frigate Resolve will carry you to America, with such part of the money as you may wish to take with you. Any other facility within the department of marine will be accorded.

Thus was this important negotiation, which, as leading to the capture of Cornwallis' army, and supplying the wants of the treasury and the troops, was certainly the hinge on which the success of the revolution then turned, brought to a happy close, by the talents and decision of a youth, who had not yet attained his 28th year—but whose matured mind and heroic spirit admitted no other rule of official conduct, than the honor and interest of his beloved country. W. J.

BI CENTENNIAL CELEBRATION.

Friday the 5th inst. was celebrated by the citizens of Providence, R. I. in commemoration of the second centennial return of that city and state. The ceremonies were commenced in the Baptist meeting house by an address to the throne of grace—an ode, written for the occasion, was then sung. Immediately succeeding the ode, an oration was delivered by the hon. judge Pitman, which abounded with interesting historical facts, and eloquent expositions of the motives which impelled the struggles of the first colonists. After the oration a hymn was sung, &c. and at 5 o'clock the subscribers with a number of invited guests, sat down to a sumptuous dinner. Previous to this, however, the gentlemen assembled, partook of an Indian banquet, provided under the direction of the committee of arrangements, and designed so far as practicable to be in imitation of that usually served up by the sachems on great occasions.

Tradition says, that at the interview had by Williams with Miantonomy, this chief sachem invited him to a regal repast near what is now styled Williams' spring; and the dainties *then* placed before *them*, were such as were *now* offered to the *company*, which, together with their disposition, were as follow, viz: an Indian mat, being spread out, a large wooden platter well filled with boiled bass, graced the centre, and was supported, on the one side, by a wooden dish of parched corn, and on the other, by a similar one of succotash; beyond the whole, an enormous bowl of wood, flowing to the very brim with pure water, supplied by the self same crystal spring, which of old furnished to the red man his invigorating draught, invitingly presented itself to the thirsty lookers on, who by means of the antique cup appended to its edge, were furnished with convincing proof that the beverage quaffed by the Indian in his native state, cheered but did not inebriate.

After the regular toasts, thirteen in number, had been drunk, a number of letters were read from distinguished individuals, who were unable to attend. Next succeeded the volunteer toasts, when *John Howland*, esq. offered the following:

"The members of the Rhode Island delegation in congress."

The hon. *Asher Robbins* then arose and addressed the president as follows:

Mr. President: Connections formed here at an interesting period of my life, and while I was one of your fellow citizens, (though many years have since gone by), makes Providence still appear to me as another home, and has a corresponding hold on my affections. Notwithstanding the astonishing changes in her growth and appearance since I first knew the place, (what I then knew as pasture grounds, and meadow grounds, and corn fields, I now see studded with houses; and crowded with population), yet the striking features of her topography, which cannot be changed, make her always appear to me, on every return here, though different, still the same; and these never fail to recall the many pleasing images of the long past. And while I look around on these astonishing changes, this rapid growth, and to the causes which have produced them, and the inexhaustible nature of those causes, my imagination is no less pleased to indulge visions as to the distant future, and to contrast what she now is, with what she will then be.

As I have on another occasion made our beautiful bay, on a smaller scale, another Ægean sea, with islands as beautiful, though not as celebrated—so in my anticipations of the future, I have made Providence, now in embryo, another Constantinople standing at its head. And in my waking moments, I see nothing in the nature of things to arrest her progress to this splendid destination. Nothing, if no revolution intervenes—no fatal policy is interposed to enfeeble her growth and blast her prospects. The reign of order and of liberty—the reign of the constitution and wise laws to preserve both, and to develop the resources of the country, will and must insure this result.

There is something in the growth of places, and in the laws which govern that growth, that seem not to be well understood, and perhaps are not easy to be explained. Physical advantages of local situation, though important, are not alone sufficient to account for that growth. The other causes, whatever they may be, are still more important; for we see that they are able to overcome even the want of those advantages—not the entire, but the want to some extent. What is there in the local advantages of Nantucket, for instance, to make her what she is? A little barren island in the ocean, with an inconvenient harbor—with not a tythe of the advantages of hundreds of ports on the coast—she took the lead of most of them. Though she has imparted growth from her growth to other places—has thereby made New Bedford what she is—has been sending off her swarms from time to time to settle down elsewhere, and to display, wherever that is, the prolific energy of their parent stock—yet with all these drains upon her, she still goes ahead, and takes the leads of the rivals she has made for herself. At the time when Penn first landed on the banks of the Delaware—when that angle formed by the Schuylkill with the Delaware (the present site of Philadelphia) was a wilderness; at the same time, what is now the site of Perth Amboy, was also a wilderness. Both had great physical local advantages for commerce, and so equally great that the most intelligent men were divided in opinion, as to which was due the preference—some giving it to one, some to the other. Philadelphia now is a great city, the second in the union, with boundless prospects of indefinite future increase; but Perth Amboy remains an obscure village to this day, scarcely known in the commercial world to exist.

It is evident, therefore, that the sole cause of this growth is not to be found, as many suppose, in the physical local advantages of the site. There is, and there must be, a still more powerful one. Many events appear to be fortuitous, which nevertheless are the effects of laws fixed in the nature of

things, and whose operations are uniform. There is something apparently accidental in the growth of places, but doubtless it is so only in appearance, and that it is the effect of some uniform cause. I think I see that cause in the peculiar character of some of the men who happen to settle in the place. Men who give it its first impulse, and thus shape its after fortunes—men of ardent enterprise and bold adventure—men who conquer all difficulties, because they believe them conquerable, and act upon that belief—men who infuse their own spirit into others, till it is diffused over the whole community in which they live, and make it become the character of that community—a character that propagates itself from generation to generation. It is remarkable that a character once impressed upon a community, how steadily it maintains itself and descends with it to all after times; and its effect too, is remarkable upon the growth of that place—always progressive more or less rapidly—unlimited, and, as it would seem, illimitable. London was a city in the time of Julius Cæsar, (such a city as barbarians could have)—it has been steadily growing ever since—and vast as it now is, it is said to be now growing more rapidly than ever. The original impulse is not yet spent, and never will be, till that character is destroyed by which that impulse is continued.

Rome, from a little village on the banks of the Tiber, went on steadily increasing for seven hundred years, under the republic, and then onward under the empire, till its population accumulated to six millions; and then nothing stopped its increase but the transfer of the seat of empire, and of Rome itself as it were, to the shores of the Bosphorus, and that inundation of barbarians, which soon afterwards obliterated every trace of that character on which its increase depended.

Providence, from the beginning, has had to boast, some men—the number more or less from time to time—of this peculiar, this Themistoclean character. Men who might say, as Themistocles said, "True I do not understand the art of music, and cannot play upon the flute; but I understand the art of raising a small village into a great city." He might point to Athens and say—behold the work of my hands—Athens, the pride of Greece, and the glory of the ancient world. I gave her that commerce which gave that fleet which conquered the Persians and made her the mistress of the seas and the empire state of Greece for so many years. So these men might point to Providence and say—behold the work of our hands, not yet an Athens, but which the impulse we have given to it may make her another Athens in every thing but political power.

It might be invidious to refer to names prominent in your history and signal in their influence upon the fortunes of your town. For in doing justice to some, I might do injustice to others, whose merits ought not to be forgotten nor passed over in silence. But I cannot forbear to refer you to your distinguished fellow citizen, now no more, who opened to his country our commerce beyond the cape of Good Hope, and led the way. He was the very soul of ardent enterprise and bold adventure, and no less ardent in every public cause, than in his own pursuits. His every movement in life was marked by nobleness of sentiment—nobleness of sentiment was indeed the distinguishing trait of his character. Perhaps no man ever lived whose beneficent influence was ever more felt in the growth of any one place.

Nor can I forbear to refer you to those of your fellow citizens who first opened to our country that inexhaustible source of wealth, the cotton manufacture. And here you will excuse me also for referring to him whose signature stands to the declaration of our national independence; because he was such an ornament both to your town and to our country. I knew him well. His tall and venerable figure—his silver locks—his striking features, full of intellectual character, are still fresh before me. He was my friend and patron at that early period of my life. How often have I sat with him, evening after evening, to listen to his instructive discourse—and never have I known a man more capable of imparting instruction. For I have never known a man of more universal reading; nor one whose memory was so faithful. Then his experience in the varied scenes of his political life, which spread over a great part of the early history of this state, then a colony—embracing her connection with the mother country, and occasionally with the other colonies, made his conversation a treasure of interesting anecdote; and would have made his memoirs, if he had written them for posthumous publication, a most interesting legacy to his country.

I attended him in his last moments; and it was impossible not to be struck with the magnanimity they displayed—magnanimity indeed was the distinguished trait of his character. No holy martyr of religion, no heroic sage and philosopher, ever submitted to the stroke of death and paid the debt of nature with a more cheerful resignation.

In conclusion, I will beg leave to propose as a sentiment,

The memory of Stephen Hopkins—The true model of the sage, the statesman and the patriot.

DINNER TO MR. WISE.

A large number of the citizens of the county of Accomack, as a manifestation of their respect for the honorable HENRY A. WISE, of their admiration of the zeal, ability and manly independence with which, during the last session of congress, he exposed the abuses of the general government, gave him a public dinner at Dire's hotel, in Drummond Town, on the 14th day of July.

After the cloth was removed toasts were drank, among which were the following:

The American states—The only barriers between the general government and unlimited despotism: Every patriot should protect and defend them in the exercise of all their constitutional rights.

The legislature of Tennessee, by unanimously re-electing judge *White* to the senate of the United States, has given ample proof to the president that "his interference with the freedom of elections" was *duly* appreciated.

State rights and the United States senate—To pretend attachment to the *one*, and to endeavor to diminish the constitutional power of the *other*, is the grossest political hypocrisy.

Our guest, the hon. HENRY A. WISE—A faithful sentinel, whom no power can intimidate nor bribe seduce: The minions of power and corruption will never forgive him, and while faithful as he is, his constituents will never forsake him.

[When this toast was drank and the cheering had subsided, Mr. *Wise* addressed the company at considerable length, with his accustomed eloquence, in support of his course during the late session of congress. After the conclusion of the speech, Mr. *Wise* gave the following toast:

"The Eastern Shore of Virginia—sound to the core: it is in part relied on to redeem the state of Virginia from disgrace, and the government of the United States from the foullest pollution and the basest despotism: The country expects every man to do his duty in November."]

BENJAMIN WATKINS LEIGH—

"Justum et tenacem propositi virum,
Non civium ardor prava jubentium,
Non vultus instantis tyranni,
Mente quatit solida."

"The man who is just and firm to his purpose will not be shaken from his fixed resolution either by the misdirected ardor of his fellow citizens or by the threats of an imperious tyrant."

JOHN TYLER and WILLIAM C. RIVES—

"More true joy Marcellus exiled feels,
Than Cæsar with a senate at his heels."

Letters were received from Messrs. *John Tyler*, *John Robertson* and *Balie Peyton*, in answer to letters of invitation addressed to them. Copies of these letters are subjoined.

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Letter from the hon. B. Peyton.

Philadelphia, July 11, 1836.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of invitation "to attend a public dinner to be given on the 14th inst. by the citizens of Accomack county, Virginia, as a manifestation of their respect for the hon. Henry A. Wise, &c."

I regret that it is not in my power to be present on that occasion, for there lives not the man in honor of whom I would with more pleasure break bread and take wine, than Henry A. Wise, I have known him long and intimately: I have seen him at the bar and in the house of representatives—tested in every way; and he has been the same, bold, frank, honest, talented patriot and friend in every situation of life.

Gentlemen, I fully concur with you in the belief that the national administration of our government is most infamously corrupt in many of its departments, but I must say I entertain the same opinion of the president of the United States now that I have always entertained, and believe him to be a pure man, and an incorruptible patriot. John Randolph, whose loss at this time Virginia and all America has cause to lament, said of gen. Jackson, that "his very weakness leaned to virtue's side."—This is emphatically true, and to these amiable weaknesses may be attributed all that is wrong which is done in his name. Search the world over in all its history, and you cannot find a man more devoted to his friends—more incredulous to their foibles—more immovable in his confidence in all they say and do. However excellent these qualities are in a friend, however inestimable they are in a *wife*, yet they cannot do otherwise than subject a public officer to error and imposition. Unfortunately for the president and the country, those disciplined politicians and cunning jesuits, who have joined hands around him to the exclusion of all the patriotic and disinterested, are the apostates from the ranks of his enemies, who care as little for his reputation as they do for the maintenance of sound principles, or the permanent prosperity of the country. He is surrounded by a mercenary corps, who, to advance their own selfish views, hesitate not to influence and exasperate his feelings by foul calumnies against his most sincere and disinterested friends. Not only so, but they write and publish in the Globe, as having his sanction, arguments and doctrines directly at war with the most valued and cherished principles, as set forth by himself in his own messages. And yet these now claim to be his friends, and the guardians of his fame and consistency as a statesman. There is not one of the ancient principles of the president—those principles upon which he came into power, so sacred that they will not, and are not daily in the habit of bartering away or trampling in the dust, and that, too, in the name, and, as they would have the world believe, by the sanction of the president. He is not, he cannot be aware of this. They have his ear, they have his confidence; they are going for his office, and use his influence, caring nothing for his fame or his consistency.

A recent occurrence will satisfy every one of the extent of the president's confidence, and how little are to be trusted the feel-

inga of even so honest and just a man as Andrew Jackson, when he has to rely on such sources of information. He was induced to denounce the course of one of his old friends, who now differs with him in nothing but Van Burenism, about the close of the last session of congress, for having used, as he said, every effort to defeat the appropriation to carry into effect the Cherokee treaty. A colleague of the member who was present, suggested to the president that he was mistaken; but the seeds were sown, had taken root, and it was impossible to eradicate them; he continued to indulge in the most excited denunciation against the member for his opposition to that measure, notwithstanding the Globe newspaper has recorded him as voting, on the engrossment and final passage of the bill, in its favor, and, also stated correctly, that he spoke at considerable length in its support. If they wish to throw the weight of the president's influence upon any individual, they craftily whisper into his ear that which will certainly arouse his feelings: denunciation and excommunication follow, and the unfortunate man is convicted, sentenced and executed, without knowing his grounds of his accusation.

You have been pleased to allude, in terms of approbation, to my course as a representative from Tennessee in the last session of congress. If there is any thing worthy the approbation and encouraging applause of freemen to be found in my course, it is mainly to be attributed to the deep and abiding interest felt by the people of my district, and my state generally, in the present state of our national affairs. I have been but a cold and feeble representative of their wishes and feelings, I have great cause to be proud of my native state; she has stood firm, unsubdued and unsubduable, while one state after another has been seduced, forced to make war upon honest men and popular favorites; yes, even upon the records of the government and constitution of the country. Tennessee, the Sparta of the republic, is still erect in the defence of the ballot box, the constitution and liberties of the people. I hope and trust that Virginia will not appear to the world in a contrasted light with Tennessee, with herself, in a cause so worthy of her fame, her sires, her sons: that she has not "lost the breed of noble bloods"—that her revolutionary stock has not degenerated, has been manifested to the world by your thorough-bred Virginia representative from Accomack. It is time for Virginia to *show* her *blood* in these days of venality, hypocrisy and corruption; she owes it to herself, to her sisters of the south and west, who are struggling to maintain her ancient doctrines; she owes it to the whole country, and its dearest interests. Pennsylvania has broken the manacles which were prepared for her giant limbs. Will Virginia wear them? If you break the wand in Virginia, the "Magician's occupation's gone."

I beg leave, gentlemen, to offer through you a sentiment, which I inclose, and give assurances of my very high regard.

Respectfully, your obedient servant, BALIE PEYTON.

Messrs. *Thomas R. Joynes, and others, committee.*

[N. B. The toast referred to in Mr. Peyton's letter was, by mistake, no doubt, omitted to be inclosed in his letter.

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Letter from the hon. John Tyler.

Gloucester, July 3, 1836.

GENTLEMEN: Your letter of the 28th June, inviting me to a public dinner to be given by a large number of the citizens of Accomack to Mr. Wise, at Drummond Town, on the 14th inst. was received on yesterday, and it is with no little regret that I find myself compelled to forego the pleasure of being with you on that occasion. No one would more cordially unite in the proposed manifestation of respect than myself. I was an eye-witness, for a part of the late session of congress, to the bold, fearless and independent course of our mutual representative, which attracted to him the attention of the whole country, and placed him in the foremost rank with the advocates of truth and justice. It is no light affair for a man to assail the ranks of a dominant party, or to beard a popular administration and expose its errors; this, however, was the work of Mr. Wise; and as a voter of a free electoral district, he has my most unqualified support.

In substitution for my personal presence, I beg leave to tender the subjoined sentiment, which I hope will prove acceptable to yourselves and those you represent. I am, gentlemen, truly and faithfully, yours, &c. JOHN TYLER.

Messrs. *Thos. R. Joynes, and others, committee.*

"The faithful representative of a free people, clothed in the armor of truth; he battles for violated rights, and, regardless of self-aggrandizement, sustains with his whole strength the institutions of his country."

—

Letter from the hon. John Robertson.

Richmond, July 7, 1836.

GENTLEMEN: I have deferred until now replying to your polite invitation, received the day previous to the adjournment of congress, hoping that, on my arrival at home, I might find it in my power to accept it. Urgent duties, however, of a professional nature, to say nothing of domestic concerns long neglected, demand my attention, and compel me to relinquish the gratification of meeting you at the dinner to be given to your faithful representative and my respected colleague, to which you have tendered me so cordial a welcome. I will not affect to be insensible of the honor done me by associating me in thought with one so distinguished for the zeal, ability and manly independence with which he has exposed official corruption and abuse. Conscious as I am that you greatly overrated my humble efforts in aid of the same cause, I trust I may say, without the imputation of vanity, that none can more earnestly or honestly desire to see the administration of the general government brought back to the paths of justice and honor which it has deserted, and to witness the restoration of those pure and primitive doctrines which it professed, in order to obtain power, and which it has abused that power to subvert and destroy.

Be pleased to offer on my behalf, to the citizens of Accomack, whom you represent, the subjoined toast, as expressive of my sentiments, and I hope not uncongenial with their own; and to say to them, that I shall ever cherish a proud recollection of the approbation they have been kind enough to express of my political course.

Accept for yourselves, gentlemen, individually, my grateful thanks for the friendly manner in which you have addressed me on this occasion, and believe me, very truly and respectfully, your friend and fellow citizen,

JOHN ROBERTSON.

Messrs. *Thos. R. Joynes, and others, committee.*

"*The grand inquest of the nation*—Recreant to its trust, when striving to screen official delinquency. Honesty needs no disguise—fears no scrutiny: conscious guilt wraps itself in mystery; and loves darkness rather than light, because its deeds are evil."

IMPORTANT DECISION.

From the Pennsylvania Advocate.

District court United States, Pittsburgh—before the honorable T. Irwin, esq. judge.

Thomas G. Baylor and Anna Maria Baylor, by their guardian, John Yates, esq. citizens of Virginia, against Elija Heath, James M. Steedman and Arod Pearsoll, citizens of Pennsylvania.

Stephen Dalgarn, a citizen of Virginia, against the same, defendants.

The foregoing cases were severally tried in the district court of the United States for the western district of Pennsylvania, at the late term of said court, holden at Pittsburgh, on the first Monday of May last. They occupied the time of the court for above a week; and as the principles involved in them are deeply interesting to our southern fellow citizens, the following brief report of the facts disclosed on the trials, together with the charge of the court in the first mentioned case, has been obtained for publication. The verdicts and judgments rendered in both cases, evinced the determination of Pennsylvania juries and of our courts to protect the constitutional rights of citizens of the slaveholding states, in their negro property; and, it is hoped, they will operate as a warning to all who may be disposed to indulge mistaken notions of philanthrophy, in acts of lawless outrage, like those which, in this instance, have met so stern a rebuke.

The plaintiffs reside in Jefferson county, Virginia, and were the owners of two negro slaves, who absconded some time in July, 1834, and came to Pennsylvania. They were pursued by their owners—were, with much difficulty, traced from place to place—and were finally apprehended in Venango county in this state. There, a laborious and prolonged investigation of the rights of the owners took place before judge Shippen and the associate judges of that county, which resulted in the granting of warrants for the removal of the slaves to the place whence they absconded. The plaintiffs on their way home with their slaves, had to pass through Brookville, the county town of Jefferson, in this state: at which place they arrived on the evening of Sunday, 14th of September, 1834, and, with the assent of the high sheriff, they placed the negroes in the county jail, for safe keeping over night. The sheriff refusing to be accountable for their secure custody, they were lightly ironed by their owners.

While the negroes were being placed in the jail, a large crowd collected around it and in its entry; and amongst the crowd were the defendants, Elija Heath, then an associate judge, and James M. Steedman, (connected with him by marriage), a justice of the peace. It was proved that these persons used much language to excite the multitude, and to induce them, by violence, or otherwise, to release the negroes from the custody of their masters. Heath in particular, who was proved to be a leading and influential man, was heard to declare that "it was a Christian duty to release the negroes from bondage"—that "they were flesh and blood like ourselves"—that "it was a sin and a shame in a free country to see them in bondage"—that "those clauses of the constitution which authorised slavery should be nullified"—and that "every effort should be made to procure the release of the two negroes, then in jail, before morning." It was proved that the excitement produced by these declarations, amongst several young, ardent and imprudent men and lads, who were present, was very great, and various means of effecting the object recommended by Heath, were discussed. Amongst others it was proposed that, in order to prevent an immediate pursuit after the negroes, when let loose, complaint should be lodged against their owners before the defendant, Steedman, as a justice of the peace, for travelling on the Sabbath; that a lawyer of the name of Brady should conduct the prosecution, and make a long and elaborate speech, and that another lawyer of the name of Prime, should tender his services to the Virginia owners of the slaves, and be equally tedious in the defence! It was supposed that, in this

way, the greater part of the day would be consumed, and the negroes would get beyond the reach of their masters.

It was proved that files and other instruments were procured, and were given to a man of the name of Butler B. Amos, then confined in jail, under sentence for larceny, by whom the negroes were loosened from the chains which bound them, and between 11 and 12 o'clock at night they made their escape from jail. Two witnesses swore that the defendants Heath and Pearsoll were conversing with Butler A. Amos at the jail window, a few minutes before the release of the negroes. The slaves, though pursued by their owners for several days, were never retaken.

An attempt was made, upon the part of the defendants, to contradict a portion of the evidence introduced by the plaintiffs; and one witness, whose deposition was read by the defendants, swore that Heath and Steedman did not leave their residence between the hours of 9 and 11 o'clock.

The defence was conducted with great zeal by Messrs. A. W. Foster, sr. and A. W. Foster, jr. For the plaintiffs were Messrs. R. Burke, O. Metcalf and A. Burke.

The jury who tried the first mentioned case gave a verdict for the plaintiffs of $600 damages; and the jury in the second case gave a verdict for $840 damages.

Motions were made in both cases, by the defendants' counsel, for new trials, which after elaborate argument by Mr. A. W. Foster, sr. and Mr. R. Burke, were refused by the court.

The following is the charge given by judge Irwin to the jury in the first mentioned case:

CHARGE.

It is proved by indisputable evidence, that Charles Brown was a Virginia slave, and that he absconded in the month of July, 1834; that he was pursued, taken and lodged in the jail of Venango county, Penn. and that, upon proof made by the claimant to several judges of the court of common pleas of that county, that he owed service to the plaintiff in Virginia, they granted a certificate to that effect, with authority to remove the slave out of the state. The claimant, on his way home with Charles and another absconding slave named Robinson, reached Brookville, Jefferson county, Penn. on the evening of Sunday the 14th of September, 1834, and for safe keeping, with the assent of the sheriff of the county, the slaves were placed in jail, from whence on the same night, they escaped and have not since been retaken. The action is brought to recover damages for the loss of Charles, and for the outrage by which his escape was effected. Before I proceed to notice the evidence in support of the claim, it may be material to refer you to the constitution and laws of the United States, which secure to the owner of the fugitive slaves the right to reclaim them wherever they may be found. By the 4th art. 2d sec. of the constitution of the United States, it is thus provided: "No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any laws or regulation therein, be discharged from service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due." To carry into effect this constitutional provision, an act of congress was passed on the 12th of February, 1793. It empowers a person to whom a fugitive from labor or service belongs, his agent or attorney, to seize or arrest such fugitive, and to take him or her before any judge of the circuit court of the United States, residing within the state, or before any magistrate of a county, city, &c. wherein such seizure is made, and, on proof of owing service to the complainant, either by affidavit or other evidence taken before a judge or magistrate of the state from which the fugitive escaped, the judge or magistrate of the state in which he or she is arrested, shall give a certificate thereof to the claimant, his agent or attorney, which shall be a sufficient warrant for removing such fugitive. It will be perceived, that no warrant or other civil process, is required to be issued to enable the claimant to seize and arrest the fugitive, so important was the interest and so sacred the right that the simplest enactments and means for the speediest decisions were deemed essential to their full enjoyment. But the exercise of this right was often attended with hazard, in reclaiming and removing fugitives; disputes, violence, bloodshed, and rescues, often ensued, until an act of assembly of Penn. of March, 1826, was passed, by which the owners of fugitive slaves are empowered, upon application and proof of ownership, to obtain a warrant from any magistrate for their seizure and arrest, and for bringing them before a judge of the state court, who, if satisfied with such proof, is required to issue his warrant to the owner for removal of the fugitive out of the state. This act in no way impairs the right which the owner of a fugitive slave possessed under the constitution and laws of the United States for his reclamation; it was intended only to be subsidiary to them, so that he may have his election either to make the arrest in person, or by his agent or attorney, or by a peace officer under a warrant from a magistrate. It is not our province to inquire why this summary proceeding was adopted in favor of the owners of fugitive slaves. It is enough for us to know that they exist, and that we are under the most solemn obligations not to suffer them to be invaded with impunity. It may not, however, be amiss to remark, particularly as the occasion has been sought to refer to all the exciting topics connected with the existence of slavery in the south, that a belief is entertained that no jury in Pensylvania, will be found to give encouragement to the fanatical spirit which has given such just disquietude to our southern brethren; that they will not suffer their minds to be affected by undisputed propositions of the natural equality of men; of the miseries and degradation of slavery, and of its incompatibility with the principles of our government. The union would not have been formed without a recognition of the right to hold slaves, as they were held before its formation; and if we regard its duration, and the many blessings which have flown from it, we must not weaken the attachment which any portion of our people have to it, by putting in hazard their dearest rights. However they may be questioned by false philanthrophy through the ordinary channels, let us hope they will not be disregarded in the administration of justice.

The plaintiff having proved his ownership of Charles, and that he had done all that the laws required for his reclamation, it is clear that his loss is owing to the highly illegal and criminal conduct of some of those who assisted in his escape on the night of the 14th of September. How far are the defendants chargeable with this illegal and criminal conduct? You must satisfy yourselves of this by a careful review of the testimony of which I will endeavor to give you a summary. (Here followed the testimony.)

Against such of the defendants as you may find to have aided in the escape, no matter in what way, whether by breaking into the prison, releasing the negro from his irons, or opening the doors, or by counselling, commanding, encouraging or exciting others to do so, the plaintiff is entitled to your verdict. In outrages such as here charged, the most worthless men are commonly employed as the active agents, while those who employ them, and who have means to repair the injury, too often elude detection; yet though their guilt is equal, we feel less disposed to excuse the man who excites to crime, and whose education and situation in life apprize him of its enormity, than he who, by brute force, is made the mere instrument of it.

The aspect of the case, as shown by the testimony on the part of the plaintiff, presents matters in an extraordinary, and it is to be hoped, unprecedented point of view. It has been made to appear, that on the evening on which the negroes reached Brookville, a number of people assembled at the jail, probably most of them from curiosity, the defendants among the number, they being then public officers, &c. two of them of a high and responsible character, that instead of showing an example of obedience to the laws and a disposition to enforce them, they were the most prominent in encouraging their violation, and in openly setting them at defiance. Examples of lawless violence may have become but too familiar in society to create surprise, even at this instance of misguided zeal in redressing imaginary human suffering, and many may be found to justify the act from an alleged praiseworthy motive. But every thing valuable to us: our lives, property and reputation are based upon the sanctity of the laws; and where men are taught openly to disregard their obligations on one important subject, they have but little more to learn to free themselves entirely from their control. It is but a single step further, and government and law are at an end. But it is rarely that the ministers of the law in any country, much less in ours, are found ministering to these evil passions—and if the testimony, on this occasion, has established an instance of it, their conduct cannot be too much reprobated; for though the policy of laws may be questioned, while they exist every good citizen should desire their fulfilment, and superadded to this moral obligation, the magistrate's oath and official duty solemnly bind him to maintain them; if these strong ties are disregarded, the will of the strongest becomes the law, and the watchmen, instead of keeping the city, wake among the rest, but to plunder and detroy.

It is true, that in Pennsylvania, where slavery does not exist, it is no offence to write, print or speak on the subject of slavery. But this right may be abused, if carried into practice, to the injury of the southern slaveholder; if, as is alleged in the case before us, inflammatory speeches were made in a crowd to effect the liberation of slaves, indicating a determination to aid in any attempt for that purpose, followed by their actual escape, an action for damages would lie. It must, then, be always an important part of such an investigation as this, to ascertain what were the intentions of the accused. Did he carry his rights beyond their proper limits? Did he himself liberate the slaves or did he procure, engage, direct, counsel or command others to do it—for in either case he would be equally guilty.

Although the testimony on the part of the plaintiff may leave little doubt on your minds as to the agency which the defendants had in procuring the escape of Charles, yet it must not be overlooked, that it is materially contradicted by several of the witnesses for the defendants. The character, however, of one at least of these witnesses has been called into question. If, after reviewing the whole testimony, you are able to satisfy yourselves that all or either of the defendants, aided to effect the escape of negro Charles, the plaintiff will be entitled to your verdict. If there is room to doubt whether the defendants, or either of them, aided directly or indirectly, in the escape of Charles, such doubt should lead to his acquittal. If the testimony of respectable witnesses is so evenly balanced, that innocence would be as probable as guilt, the humane precepts of the law always inclined the scale in favor of innocence. The reputation and property of men must not be taken away by doubtful testimony, but after carefully sifting it, and rejecting all such as is unworthy of belief, and accounting for such as is actually or seemingly contradictory, enough remains to satisfy you that the plaintiff has made out his charge against one or more of the defendants, it will be your duty to say so.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

MR. MADISON. The memory of this distinguished patriot was commemorated by a funeral procession in this city on Thursday last. It was a large and imposing spectacle, comprising nearly all the mechanical associations of the city, with the society of Odd-Fellows and the order of Red Men, who were respectively clad in full costume. A funeral car, with suitable inscriptions, drawn by six white horses covered with black housings, and led by grooms dressed in white, was a striking and prominent object in the line and added much to the effect of the scene. After passing through some of the principal streets, the procession proceeded to Howard's Park, where, after an invocation to the Throne of Grace, by the rev. Mr. *Henshaw*, a chaste and appropriate oration was delivered by *Joseph Willey*, esq.—at the conclusion of which a prayer was offered up by the rev. Mr. *Stockton*, when the procession returned to the city and was dismissed in Gay street.

The whole affair was got up with much taste, and the people entered into it with a spirit that evinced a just regard for the memory of the illustrious man it was designed to honor. The grand marshal of the day was Mr. *A. I. W. Jackson*, to whom and his assistants, the citizens are much indebted for the very satisfactory manner in which their views were carried into effect.

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NEAPOLITAN INDEMNITY. We understand, and we feel happy in communicating the fact, that the third instalment of the Neapolitan indemnity was punctually paid at Naples when due; and that a part of it has already arrived in this country in gold, and the remainder is expected by the next packets. Soon as it reaches here, and the nett proceeds are ascertained, public notice will, we presume, be given, and payments be made by the treasury department. [*Globe.*

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FRENCH INDEMNITY. *Treasury department, August* 24, 1836. Notice is hereby given, that a further payment on the amounts awarded under the French treaty of indemnity, will be made on the first Wednesday of September next, on application at the bank of America in New York; or, if more convenient to any of the parties, they can receive their proportion at the Maine bank, Portland; Merchant's bank, Boston; Girard bank, Philadelphia; Union bank of Maryland, Baltimore; or bank of the Metropolis, Washington; acting in behalf of the bank of America.

The above payment will include the remuneration made here for the sums deducted in France, and with the twenty per cent. paid in May last, will constitute the supposed nett proceeds of the whole of the four first instalments. If any error be hereafter discovered in the account, due notice will be given, and a correction made when the fifth instalment shall be received and paid.

LEVI WOODBURY, *secretary of treasury.*

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OFFICIAL. *From the Globe.* Baron Krudener, envoy extraordinary and minister plenipotentiary of his majesty the emperor of Russia, having left this country for some months, on leave of absence, Mr. Krehmer, the secretary of legation, has been designated, by order of the emperor, to discharge the functions of charge d'affaires.

[Baron Krudener sailed from New York, last week, for Liverpool.]

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MAJOR GATES. We have published in a subsequent page the proceedings of the citizens of Barnwell, S. C. convened to consider the dismissal of major Gates from the army of the United States; from which it will be seen that the conduct of that officer during the attack on Fort Barnwell is highly commended by them, and that much regret is expressed at the decision of the president, &c. The chief object desired by the meeting, an opportunity for major Gates to vindicate himself before a court martial, will, however, soon be accomplished, for the Globe of Tuesday last says—

We understand that the president has, at the request of major Gates, ordered a court martial to re-examine and pronounce on the circumstances of the affair at Fort Barnwell. A material fact, which has made a strong impression against major Gates, although not relied on by the court of inquiry, is rendered more than doubtful by an examination of the written testimony. The groaning which was supposed to proceed from the men who were shot outside the fort, and which excited a strong disposition for a sortie, there is much likelihood was a stratagem of the Indians to draw out a portion of the garrison. We are assured also, that major Gates went out alone and approached within sixty yards of the men, and saw that they were scalped, and, to all appearance, lifeless.

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EMIGRATING INDIANS. The New Orleans Bulletin of the 22d ult. says that the emigrating party of Indians left that city on the previous day in the steamboats Lamplighter, Majestic and Revenue, and that of the whole number only four were disabled by disease at the time of their embarkation. They will disembark at Fort Gibson, if the waters will permit the boats to proceed so far, and from thence depart to their place of final destination.

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On Tuesday morning last the ferry-boat which plies between the navy yard at Brooklyn and Walnut street, N. York, came into contact with the steamboat Boston, and in less than three minutes every vestige of the ferry boat had disappeared. The ferry boat had on board about twenty-five persons, fourteen of whom were milk men and boys, two women and several other passengers, with the deck hands of the boat. There were also on board, attached to the milk carts, fourteen horses which were drowned. The passengers and crew made every effort to get on board of the Boston, but six or seven did not succeed and were also drowned.

The grand jury of the city of New York have found a bill of indictment for manslaughter against the captain and pilot of the steamboat. A few such indictments against captains and pilots of steamboats on board of which "*accidents*" occur, zealously prosecuted, would accomplish much good and save many valuable lives; and confinement in the penitentiary would be light punishment compared to the enormity of the offences committed by such persons, from sheer carelessness or in a reckless and wanton spirit of opposition. Such is the perfection of steam machinery, that "accidents" cannot occur if ordinary care and prudence are observed.

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MORTALITY IN NEW YORK. During the year ending on the 1st of July last there were 3,401 deaths in the city of New York. Of these, 23 deaths were occasioned by burns or scalds, 56 by casualties, 737 by consumption—more than one-fifth of the whole number!—299 by convulsions, 106 by croup, 119 by dropsy in the head, 65 by scarlet fever, 481 by inflammation of various organs, 204 by measles, and 66 by whooping cough. The number of deaths the past week has been much greater than in any previous week the present year, amounting to 277. Of this number, 140 were of children under five years of age. By consumption there were 38 deaths, cholera infantum 39, convulsions 18, dysentery 11, cholera morbus 4, measles 15, teething 16. Notwithstanding the great number of deaths, the general health is as good as usual at this season of the year.

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MR. MADISON'S WORKS. The following is the title which has been used to the works of Mr. Madison now about to be published:—"Debates in the congress of the confederation in the years 1782, '3 and '4, by James Ma-

dison, then a member, with letters and extracts of letters from him during the period of his service in that congress; to which are prefixed the debates, in 1776, on the Declaration of Independence, and on a few of the articles of the confederation, preserved by Th. Jefferson; and, also, debates in the federal convention of 1787, by James Madison a member." How anxiously will the public look for these volumes, and how rich in political wisdom and instruction they must be! Mr. Madison could not have left a more precious legacy to his countrymen than he has in the papers which he collected and preserved, in reference to the history of the constitution.

[*Alexandria Gazette.*

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Russia trade. The trade of America with Russia, especially in sugar, is much greater than would be generally supposed. The average quantity of sugar imported into St. Petersburgh, (chiefly in American vessels), during the years 1832, '33, '34 and '35, was 25,000 tons per year, besides which considerable quantities of the same article were carried to other Russian ports, for instance, Riga, Archangel, &c. In 1834 the importations amounted to 217,092,352 rubles and the exports to 230,419,880 rubles. The exports therefore being considerably larger than the imports. Manufactures increase in Russia rapidly, and at no distant day that territory will be far less dependant on the luxury or convenience of other countries than she now is.

[It may perhaps be worth mentioning, says the Boston Gazette, that more than one-half of all the American vessels that trade to Russia belong to Boston. The greatest number belonging to any other port in the United States, engaged in that trade, belong to Salem.]

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The African colony. The following letter is from a very intelligent colonist, who emigrated from Norfolk, Virginia, a few years ago, and lately returned to Liberia, from a visit to the United States. We copy the letter from the July number of the African Repository.

Monrovia, Liberia, April 26, 1836.

Dear sir: I am happy to inform you that we had a passage of 35 days, and were very well treated by the captain; also enjoyed good health. I am happy to say to you that I am more in favor of the colony of Liberia than when I left; on my return home, finding the colony in a more beautiful way of improvement than ever it has been. When I was in the United States, I said many things in favor of the colony; but I find that I said not half enough. No, sir, for there is no place like this for the colored race of man to be found in their reach, where they can enjoy the same privileges as here.

To fly to the north or south is all folly; to go to Canada or Hayti is nonsense, for in either there are prejudices as high as mountains, against which but few are able to contend. Here is our home. The colony is in good health. Farming is going on well and all is quiet at this time. Many of the farmers from Mississippi are doing well, and think they will be able to ship produce from here to the United States in less than two years; they are much encouraged in their present crop. There is no doubt but we shall do well here. For my own part, I have never been so perfectly contented with my situation in all my life; I am now at home! There is but one thing that now troubles me, and that is my brethren, my kinsmen according to the flesh, who will not listen to the truth, and embrace an opportunity of getting and doing good. However, this darkness will shortly be removed from their eyes, and then they will see that Africa is the only home for the colored man.

Dear sir, be encouraged! I know that your labor is hard, and that you have much opposition to contend with, the most of which I consider the project of unthinking men; they must give way, they cannot stand. I hope that the confidence of the friends of the good cause will be encouraged by the present state of the colony. I would say more did the time permit. I conclude with my best respects to you and your family, sir, and feel myself under great obligation to you for your attention to me whilst I was with you in the north; not only to you, but to the gentlemen in every place I visited. This undeserved respect will never be forgotton by me; no, not as long as I live. I know not language to express my gratitude. I can only desire and pray for their and your prosperity in time and eternity. I remain your humble servant,

Beverly R. Wilson.

Rev. R. R. Gurley.

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Deaf and dumb and blind in Glasgow. We have received an interesting account of the late examinations of the deaf and dumb and blind schools in Glasgow. It is a coincidence worth noting, that a few pupils of both institutions, were brought together and an experiment made for the purpose of testing the practicability of enabling them to communicate intelligibly with each other, in the same manner as was attempted with so much success by Mr. Peet and doctor Howe, in this city, in May last. The experiment was equally successful. We quote the following from the account before us of the exhibition of the deaf and dumb:

An interesting orphan girl, to whom the attention and sympathy of the meeting were afterwards strongly directed, expressed in a striking manner her ideas of the devotional exercise with which Dr. Brown had opened the proceedings, adding some remarks on the impression she had formed of the rev. doctor's ministerial character, and on the privilege of assembling in the house of God, which she had enjoyed at an early period, before she became deaf and dumb. A little volatile boy struck a lively note in describing a trip on the railway, with which Dr. Black had kindly indulged the children last summer, and concluded with a very palpable hint to the rev. doctor touching the agreeableness of "going it" again.

Another described, with surprising minuteness and accuracy, the cause of the recent eclipse,—a subject prescribed, if we mistake not, by the chairman, and certainly one which neither the teacher nor the children had any intention of producing, but which nevertheless afforded a gratifying proof of the admirable system of education pursued in the institution, and the excellent capacity of the inmates. The young astronomer, rising into animation with his subject, closed his simple but intelligent description with the remark of the Psalmist—"The heavens declare the glory of God, and the firmament showeth forth his handy work." An arch little fellow wrote a short account of the kindred institution for the blind, stating, among other things, that it was frequently visited by the public, but adding, that "some ladies and gentlemen like the asylum for the deaf and dumb better than the blind,"—a dash of *esprit du corps* which seemed to be relished very much by the worthy treasurer of the latter institution, as well as by the meeting generally. The children were afterward examined on a great variety of useful subjects, such as the doctrines of religion, natural history, grammar, geography, &c. in all of which they displayed an accuracy and extent of knowledge far above their years.

Among the specimens of composition by the pupils, was the following prayer, written by the orphan girl above referred to, and enclosed by letter to her brother; the letter is said to have been written in the same fine spirit:—

"A prayer.

"Heavenly Father, I bless and praise thy holy name, that thou hast pleased to call thyself the father of the fatherless, and the helper of those who have none to guide them. Behold, O Lord, I am destitute and afflicted; for it pleased thee to remove from me the guides of my youth, and thou hast taken away them who sought for my happiness, and I am cast upon this world as one that is forsaken, and it is in thee alone that my help can be found. But for ever blessed be thy holy name, that thou hast been pleased to reveal thyself as a being who taketh care of those who are neglected, and thou overrulest all things to promote the good of those who put their trust in thee. O Lord, give me grace to love, serve, fear and obey thee, and to believe in thy son Jesus Christ, who died for my salvation, as well as for all mankind. As I deserve nothing of myself, I beseech thee, O Lord, to hear and answer my prayer, for my great Redeemer's sake—Amen."

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Conservative amusements. Do our readers wish to know how the tories contrive to while away their time, at the very moment that the people of England are preparing to pull their houses down about their ears?

The following extract from an English paper will inform them:

"A private muster of the men most celebrated in the annals of pugilism was got up the other day, in the school of arms, St. James' street, for the entertainment of the prince of Orange, his sons, and a select party of the nobility. Their royal highnesses were attended by their suite. Among the company were prince George, the prince of Sams, the dukes of Grafton and Beaufort, lords Anglesea, Douglass, Douro, Graham, Falmouth, Errol, Euston, Willoughby, d'Eresby, Redesdale, Frederick and Adolphus Fitzclarence, Grimstone, Dudlow, Hereford, F. Gordon, Loftus (two) count Blucher, sirs C. Rowley, Trowbridge, F. A. Rowe; colonels Peel, Lowther, etc. The sports commenced by a bout with the gloves between William Stocks and John Adams, who went through two rounds. Next followed those two veterans of the ring, Thomas Cribb and Thomas Oliver, who were received with much applause. They also had two rounds, during which Cribb had decidedly the best. Thomas Spring and Peter Crawley next entered the arena, and during three rounds exhibited a splendid specimen of the noble art, Spring having the advantage throughout. Next appeared Richard Curtis and Owen Swift, who peppered each other in good round style through two rounds, during which Curtis had the best of it. After these, young dutch Sam and Jem Burns contested. Sam exhibited, during three rounds, his accustomed caution and calmness, and had throughout the advantage, having, in the first round, uncorked Jem's claret. Last appeared Harry Holt and Frank Redmond, who closed the sports with the gloves. Winterbottom and Pitfield, belonging to the 1st life guards, next exhibited a specimen of fencing with foils. Then followed a bout with the same weapons between a Creole gentleman, named Lyons, stated to be eighty-four, and M. Anfielo, jr., which strikingly exhibited the contrast between the old and new school, and finished the sports. The veteran Jackson officiated as master of the ceremonies."

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Judge Story to chancellor Kent. We copy the following tribute of admiration and respect from one of the most distinguished jurists of the day, to the chief living ornament of the profession, from judge Story's late "commentaries on the conflict of laws." Such well conceived compliments are alike honorable to both parties:

To the hon. James Kent, LL. D.

It affords me very sincere satisfaction to have the opportunity of dedicating this work to you. It belongs to a branch of international jurisprudence, which has been long familiar to your studies, and in which you have the honor of having been the guide and instructor of the American youth. I can trace back to your early labors in expounding the civil and the foreign law, the motive and encouragement of my own far more limited researches. I wish the present work to be considered as a tribute of respect to a distinguished master from his faithful pupil.

It is now about thirty-six years since you began your judicial career on the bench of the supreme court of the state of New York. In the intervening period between that time and the present, you have successively occupied the office of chief justice and of chancellor of the same state. I speak but the common voice of the profession and the public when I say, that in each of these stations you have brought to its duties a maturity of judgment, a depth of learning, a fidelity of purpose, and an enthusiasm for justice, which have laid the solid foundation of an imperishable fame. In the full vigor of your intellectual powers, you left the bench only to engage in a new task, which of itself seemed to demand, by its extent and magnitude, a whole life of strenuous diligence. That task has been accomplished. The "commentaries on American law," have already acquired the reputation of a juridical classic, and have placed their author in the first rank of the benefactors of the profession. You have done for America, what Mr. Justice Blackstone, in his invaluable commentaries, has done for England. You have embodied the principles of our law in pages, as attractive by the persuasive elegance of their style, as they are instructive by the fulness and accuracy of their learning. You have earned the fairest title to the repose which you now seek, and which at last seems within your reach. It is, in the noblest sense, *otium cum dignitate.* May you live many years to enjoy it! The consciousness of a life, like yours, in which have been blended, at every step, public spirit and private virtue, the affections which cheer, and the taste which adorns the domestic circle, cannot but make the recollections of the past sweet, and the hopes of the future animating. I am, with the highest respect, your obliged friend,

Joseph Story.

Cambridge, (Mass.) Jan. 1st.

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Attempt at rescue. The citizens of Wheeling have lately been obliged to take energetic means to enforce the law, in the case of Thomas Wintringer, sentenced to death, for the murder of Jesse Christman, in April last. The friends of the culprit, and his depraved associates down the river, even as far as Cincinnati, had entered into a solemn league to rescue him from his impending fate. The number of these desperadoes amounted, according to credible calculation, from three to five hundred. They had prepared themselves with fire-arms, and were resolved to effect their purpose at almost any hazard. Fortunately, however, for the preservation of the peace of the city, and the supremacy of the laws, the determination and vigilance of the numerous volunteer companies, who paraded the city by day and night during a whole week preceding the day fixed for the execution, overawed the criminal's associates. The town presented the appearance of being under martial law; and as the fatal day approached, it was crowded with strangers. Groups of armed men were seen from time to time in the neighboring woods, and from two taken up, particulars were learned respecting a nest of armed ruffians who were about two miles distant from Wheeling, at the house of Long; and accordingly they were captured. This Long was convicted with Wintringer, for the same crime, but afterwards was temporarily reprieved. The preference in his favor was the main cause for the contemplated deliverance of his fellow prisoner. The execution of Wintringer took place, without disturbance, on the 15th instant. [*Wheeling paper.*

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Artificial water works. A correspondent of the Boston Times, in a letter from Haddon Hall, England, gives the following account of the water works at the residence of the duke of Devonshire:

"The water works are beautiful. There is one pond with a jet in the centre, throwing water to the height of ninety feet, and another of sixty feet. The water tree is quite a curiosity, and I understand the duke takes great pleasure in soaking his friends under it. It is a tall tree, the trunk, branches, and leaves of which are made entirely of copper, and painted to imitate nature. 'His grace' then invites a party of ladies, for instance, to examine this singular plant, and as soon as they are close to it, at a given signal, every leaf becomes a water spout, and at the same instant numberless streams issue from the ground and hedges around, and, before persons can escape, they are completely drenched. Of course the victims must appear pleased with this ungracious act of his grace. The gardener attempted to catch your humble servant in this way, but I smelt the rat, and told him I could 'see as well a little farther off.' The most beautiful part of the work is the great cascade. By opening a valve, a vast quantity of water rushes violently from the roof of a beautiful temple, and from the mouths of lions, dolphins, sea nymphs, &c.—its ornaments; and falling into a basin in front of it, from which also several fountains issue, it is thence discharged over a series of stone steps down a distance of 250 yards, and having reached the bottom sinks into the ground immediately at your feet, and disappears as if by magic. These works are supplied by a reservoir which is said to cover fourteen acres of ground."

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Indian hostilities. We copied a paragraph some days ago, from a western paper, stating that two white men had been murdered by Indians near Grand river, in Missouri, and that there were strong reasons for believing these murders to be only a commencement of Indian hostilities and cruelties. The truth of the story is dis-

closed in the following extract from the Missouri Republican, and turns out, as in many other cases of alleged Indian outrage, to be very much in parallel with the fable in the spelling book. It is *your* bull that has gored *my* ox, as the farmer said to the lawyer. *N. Y. Com.*

THE GRAND RIVER MURDERS. On hearing of the murders lately committed upon Grand river, in this state, col. Kearney, of the dragoons, despatched capt. Duncan to inquire into the particulars of the affair. His account has been communicated to the executive of the state and is as follows:

"The party of Pottawatamies were emigrating from Skunk river, on the Mississippi, where they spent the last winter with their families, to join those of their nation now on the opposite side of the Mississippi river, and that the five engaged in the affair were out as a hunting party, for the purpose of killing provisions for the use of their families; that on the preceding evening, they were visited by five white men, who came to their camp with whiskey for sale, but that they refused either to purchase or be treated with it. About daylight, in the morning on which the transaction took place, they discovered that 8 of their horses were missing, and saw by the signs that they had been stolen, and presumed that they had been taken by the Sacs and Foxes, and took the trail immediately in pursuit of them. After travelling six or eight miles, they saw a smoke in the thicket, where they found their horses in possession of the white men who had been with them the previous evening, when a Sac, who had a Pottowatamie wife, and who was living with the nation, stepped up to the white men, and claimed the horses; this he had scarcely done before he was shot by one of the white men, when he raised his gun and shot also. Another white man then shot a Pottowatamie through the folds of a silk handkerchief he had around his head so as to cut the skin, by which he was so stunned as to fall, when one of his companions, supposing he had been killed also, shot the man who had killed him, when the remaining three ran off and left the Indians in possession of the horses they had taken from them, the ropes and bridles with which they were confined, and a gun belonging to one of the men who had been killed. The ropes and gun they have given up to major Davis, their agent."

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COTTON. The Savannah Georgian states that the specimens of the new crop, which have come in, are of fine quality, and that fifty pounds per hand have been picked on one plantation in Beaufort district, S. C. Three bales sold in that city, a few days since, at twenty and one-eighth cents per pound.

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FROST. There was considerable white frost in Pleasant Valley, New Jersey, on Sunday morning last, but no fears were entertained by the farmers there that it would injure the corn or fruit.

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SINGULAR CIRCUMSTANCE. The Barnstable Journal says that a child six years old, who was in the habit of playing about the house, situated in the woods of West Harwich, was heard to utter some distressing wailings and cries, which gradually ceased until they became almost extinct. On going to the child it was found that a black snake, two and a half feet in length, had wound itself around the child's neck, and nearly suffocated it. Removing the snake, it was found so closely entwined that the skin was also removed. The child, however, recovered.

MISCELLANEOUS.

Discovery of the early history of Maryland. David Ridgely, esq. state librarian of Maryland, has, in pursuance of a resolution of the legislature, made a thorough search of the archives of the state, and been rewarded for his exertions by the discovery of several highly interesting documents illustrative of the early history of the revolutionary struggle. The Frederick Herald says:

Among the papers discovered are, the manuscript proceedings of a meeting of delegates appointed by the several counties of the province of Maryland, in that city, on the 2d day of July, 1775, and continued in session till 14th August ensuing. Of this document, the librarian says:

"The rescue of this document alone from loss and decay is worth all the labor and expense that have been bestowed throughout the whole of the research. It is the corner stone of the republican history of Maryland, and upon which the superstructure of our present form of government has been so successfully and happily reared.

"This assembly created and appointed the council of safety for the province, and took such other decisive measures as were virtually a declaration of independence."

Mr. McMahon, in his historical view of Maryland, says: "In closing the history of the conventional government of Maryland, we shall surprise the reader by the fact, that the state has not in her archives, unless very recently obtained, a single memorial of its existence or operations."

Also, they have discovered the proceedings of the convention of 1775 and '76; of the councils of safety from '75 to '77; of the lower house of the province from 1714 to 1722; original letters from such distinguished men as Patrick Henry, John Hancock, Edmund Pendleton, Benjamin Franklin, Robert Morris, Lafayette, Washington, Chase, Stone, Paca, &c. &c. upon subjects connected with the common cause of the colonies; lists of officers of the Maryland line; treaties of Indians; muster rolls, &c.

Maryland colony. We learn from the Maryland Colonization Journal that the African head-man *Simleh Balla*, who was deputed by king Freeman, of Cape Palmas to visit the United States, and who came over a short time ago with Dr. Hall, the governor of the colony, was present at two meetings of the board of managers of the Colonization society in this city. The message with which he was charged was delivered to the board in the following words:

I be Balla, head-man for king Freeman of Cape Palmas. Him send me this country. I come for peak his word. Pose him sava book, I no come; he make book and send him; but cause he no sava make book, I come for look country and peak him words.

Long time past, slave man come we country. He do we bad too much, he make slave, he tief plenty man for sell. By and by all slave man knock off. This time we no sell slave, no man come for tief him. All man glad this palaver done sit. Beside that we have plenty trouble. All man have to go for ship for get him ting, iron, cloth, tobacco, guns, powder and plenty, plenty little ting. Some time canoe capsize, man lose all him money. Some time he die, plenty water kill him; he cant come up. This hurt we too much, and make we heart sorry. By and by one white man come we country. He bring plenty black America man. Him buy we country, we give him land for sit down. Him say he come for do country good. Him build house—put all him money shore—make farm—make road—made all country fine. This time all good ting live shore—no more go ship. Ebery man can buy that ting him want. No money lose—no man lose. This make all men heart glad—make king's heart glad. King tell me, "Bally, go that country: see how this ting be. Tell them people all we heart say. Thank him for that good ting them do for we country. Beg him for send more man, for make house, make farm—for bring money, and for make all little childs sava read book, all same America men." I done.

Simleh Balla has since embarked for Cape Palmas, in the schooner Financier. [*Nat. Intl.*

Lynn. The prosperity of this flourishing town, its success in business, its freedom from sickness, and its numerous enjoyments, should be sources of gratitude. The principal business of the town was never better. About 3,300,000 pairs of ladies' shoes are manufactured annually, worth about $2,150,000. An India rubber factory employs about twenty hands in the manufacture of India rubber shoes. A silk printing and dying establishment does business to the amount of many thousand dollars. About an hundred tons of chocolate are annually manufactured. Five whale ships and about twenty other vessels are employed in fishing and trade. A rope walk has recently been built, and a ship yard opened. Within three years 237 dwelling houses have been erected, and more than that number of other buildings. There are two banks, two newspapers, twelve religious societies, nine public schools, and an academy. According to the census recently taken the population is 9,847—showing an increase of 150 per cent. in 10 years. In 1820, it was 4,515; in 1830, 6,138; in 1835, 8, 419; in May last, it was 9,847; and at the rate of progress for the past year, it now will exceed 10,000. [*Lynn Star.*

Russian serfs. Prince Sheremetoff, who is said to have 120,000 slaves on his estates, has generally in his retinue, when in Moscow, nearly 1,000, comprising servants, musicians, comedians, carpenters, builders, tailors, mechanics and artists of all kinds. Most of the slaves migrate with the nobles in summer to their country seats.

Remarkable longevity. The two following cases of singular longevity, come to us in the same paper. *One hundred and five* and *one hundred and eleven*, is seldom attained in these days of degeneracy.

Died, in the neighborhood of Jonesborough, Tennessee, on the 10th ult. Mr. William Murray, aged 111 years and 6 months. Mr. Murray was a native of Maryland, but has for a number of years been a resident of that state.

Of cancer, in Garrard county, Kentucky, on the 21st ult. Mr. Joseph Leasure, in the 105th year of his age. He was born March 21st, 1732, only forty days after the illustrious Washington. He walked seven miles the same day of his death.

Wool. The clip of wool for this season in this town is all sold at prices varying from 56 to 65 cents. The larger and finer lots sold from 60 to 65 cents. Are not farmers satisfied with these prices? If they are not, they will not be satisfied with any thing; like the man's wife who had tried to be contented for twenty years, but had never succeeded.

Farmers are now in the midst of haying, which is at least two weeks later than usual. The crop of grass is abundant—certainly one-third more than the last year, but it is bulky and light—which must be the case, as it has grown mostly in the shade. [*Greenfield Mercury.*

Winchester rail road. The transportation on the road, between the 14th March and the 31st of July, consisted of the following commodities: from Winchester to Harper's Ferry—15,770 bbls. of flour; 11,457 bushels of grain; 2,379 bushels of meal; 98 tons of iron; 61 tons of lead; and 258 tons of other merchandise; and from Harper's Ferry to Winchester—262 tons of plaster; 2,923 bbls. fish; 2,675 bushels of salt; and 1,340 tons of other merchandise—yielding $9,560.

The number of passengers in the same period was 5,337—yielding $7,096.

Pennsylvania canals. We learn from the Pennsylvania Telegraph, that the tolls on the public works, received at the treasurer's office for the month of July amount to $113,609 65, The total amount of tolls on these works since the first of April, is stated at $376,058 03.

On the 17th inst. a vessel arrived at Portland, Me. having on board eight hogsheads of sea-duck eggs, from Labrador. They are large and beautiful and of fine flavour, and were retailed at 25 cents per dozen. A brig was loading with them at Labrador for some southern port.

Verd Antique. A quarry of marble, of the purest species of *Verd Antique*, has recently been opened in New Haven, Con. about two miles from the public square. The editors of the American Historical Magazine say, that the specimens that have been shown to them, surpass any that they have seen in the cabinets of science or museums in this country: and that in beauty and variety of color, (being marked with golden or yellow streakings interwoven) it cannot be surpassed.

High prices. From the Pontotoc Register it appears that Cincinnati flour is worth in that place $15 per bbl. lard 20 cents per pound, salt $10 per sack, and Molasses $3 per gallon. [*Natchez (Miss.) paper.*

Whale ships. Four whale ships belonging to Hudson, N. Y. have returned with 5,100 barrels of oil. The cargoes of two of the ships are worth $100,000. The New England, at Poughkeepsie, has a cargo of 2,000 barrels whale and 800 do. sperm oil, which is valued at about $60,000.

The Salem (Mass.) "Landmark," states that *fifteen* vessels belonging to that town, (eight of which are ships) measuring 3,500 tons, and involving a capital of $320,000 are engaged in the whaling business. The business has been a good one, and further investments are proposed.

Cotton crop of Mississippi. The Vicksburg (Miss.) Register estimates the present cotton crop of that state at one hundred millions of pounds, and its value at from fifteen to eighteen millions of dollars. The advance of the Mississippi in wealth and population, during the last five years, is almost unparalleled. According to the Grand Gulf Advertiser, the last has doubled, while the first has more than quadrupled, during this period. The population of the state is now said to number 328,000 persons.

The Vermont Chronicle says: While this paper is going to press, there stands a load of medium quality wool before our office for market, weight 4,000 lbs. raised in Barnard, probably at a cost not exceeding thirty cents, (when hay is plenty at 25 cents), and for which has been paid on an average 55 cents, by the wool merchants.

INDIAN WAR.

From the Washington Globe.

Head quarters, army of the south, Tuskeegee, Aug. 10, 1836.

SIR: I have the honor to submit for the information of the general-in-chief and the secretary of war, a copy of a report of major general Sanford, of an affair which took place on the 26th, and another on the 27th ultimo, near Lumpkin, Georgia, between a party of Indians and a detachment of Georgia volunteers under captain Jernigan, which resulted in the defeat and dispersion of the Indians on the latter day. Captain Jernigan behaved on these occasions with the same gallantry and good conduct which has distinguished him throughout this campaign.

The Indians who had crossed the Chattahoochie are a part of those that fled from the camp in this neighborhood early in July, as several of the friendly chiefs have informed me.

I have seven companies of mounted Tennesseeans employed in scouring the country below Fort Mitchell, and up the Cowagee and Hatchachubbee creeks.

I do believe they will find many Indians. I am, sir, respectfully your ob't servant, TH. S. JESUP,

Maj. gen. com. army of the south.

Brig. gen. R. Jones, adjutant gen. Washington city.

Head quarters, first army corps, camp Jesup August 1, 1836.

GENERAL: I have the honor to inform you, that after having performed a march of sixty miles, I arrived the day after I left you at Woolfolk's, in the neighborhood of the party of Indians who were reported to have croosed the Chattahoochie on the 24th ultimo. The result of the engagement which took place on the same day between that party and a detachment of Georgia volunteers, has already been made known to you by the official despatch of captain Calhoun. Whilst on his march the day following, it was overtaken a few miles south of Lumpkin by captain Jernigan's corps of mounted men, and a sharp skirmish ensued, in which that brave and meritorious officer, after maintaining for some time an unequal conflict, was compelled to retire, with a loss of three of his troops killed, and seven wounded. Not discouraged by his want of success, that energetic officer determined to renew the fight; and accordingly, having strengthened himself by a number of volunteer citizens, he made the attack on the morning of the 27th ultimo between 10 and 11 o'clock, and in his turn compelled the enemy to give way, abandoning the whole of his plunder, and leaving 15 of his warriors slain upon the field. This decisive advantage would have been followed up by an immediate pursuit, but a deep morass through which the enemy passed, situated in a heavy cane brake, precluded the hope of being able to overtake them, in the exhausted and debilitated condition of our troops. Every exertion, however, has since been used, and is now being made to come up with them; but so great have been the obstacles that we have encountered, in brakes, bogs and swamps, that we have as yet been foiled in that design. Nevertheless, we shall not relax in our vigilance and our industry, until hope itself has been desperate by their flight and dispersion. So rapid was the flight of the enemy, that he left his dead unburied; and their little children fell into the hands of the troops.

I have the honor to be, very respectfully, your most obedient servant, (Signed) J. W. A. SANFORD, *major general.*

Major gen. T. S. Jesup, com. army of the south, head quarters, Fort Mitchell.

The Columbus Inquirer of the 12th contains the following letter:

Camp Hoxey, 6th August, 1836.

GENTLEMEN: After a forced march I joined my battalion in Randolph, determined, if God would, to have revenge for the events of the fatal Sunday when my men fought without their commander. I found upon my arrival that general Sandford was in pursuit of the Indians with great energy, and after exhausting himself with personal fatigue, took but a single day to rest, sending me in the swamp with my battalion and captain Bostwick's company of Pulaski county to drive for the Indians.

We had a few of the Baker county boys, under captain House; among them are some men that can trail equal to blood hounds. We had not proceeded far before the sign became certain. About 2 o'clock on yesterday, we came upon their camp; they were entrenched behind some large pine logs, and received us with a brisk fire. I was struck with the second ball that was fired; a large dirk knife saved me from a dangerous if not a fatal wound; the ball struck the knife in my pantaloons pocket, and thus was prevented from penetrating deeply into my thigh; the bruise is considerable, but will soon be well.

Finding that the enemy had the vantage ground, I determined at once to storm the camp; the order to charge, with loaded guns, was obeyed promptly, and thus commenced the most brilliant and impetuous charge; the enemy made a faint effort to rally, but a fire was opened on them as we went, which they could not bear. They fled, leaving all their plunder and a fine dinner behind them; the traces of blood were considerable, but they left no dead or wounded behind them.

In the pursuit we found parts of litters very bloody upon which they carried their dead or wounded. The swamp was a complete covert to them, and they made good their retreat. In pursuing them my men and officers would mire in the mud, and the march of their trail before the fight was so long and fatiguing, and we were so much exhausted, we were compelled to desist. The battalion unanimously voted me the present of a fine rifle, taken on the field loaded. We took up the line of march for camp, and just as night came on, made our escape from the most extensive and dismal swamp I ever saw. My officers and men fought with great and unflinching firmness, and all distinguished themselves, especially in the execution of the order to *charge*. The Indians raised the *war whoop*, but the sound was lost in the tremendous shouts of the charge.

We had no certain means of ascertaining the strength of the Indians; from the size of their camp and the amount of their victuals cooked for dinner, we could easily say they were a hundred strong, but I am of opinion that there was not quite that number from all I could see. Very respectfully,

JULIUS C. ALFORD.

THE ARMY.

GENERAL ORDER, NO. 55.

Adjutant general's office, Washington, August 18.

The following appointment made by the president under the provisions of an act of congress of the 4th of July last, is published for the information of the army:

"Major Trueman Cross, quartermaster, is hereby appointed acting quartermaster general of the army during the absence of general Jesup, the quartermaster general, from the seat of go-

vernment. This appointment to take effect from the 23d day of July, 1836. ANDREW JACKSON."

By order of major general MACOMB:
(Signed) R. JONES, *adj. gen.*

MEXICO AND TEXAS.

A letter published in the New Orleans papers, dated Velasco, July 20, says—Our army is still at Victoria, upon the river Guadaloupe. Lamar had arrived there, agreeably to the last accounts, and presented himself as commander-in-chief of the Texian forces; but, with all his popularity, was unable to obtain the concurrence of the army with the wishes of the cabinet. The question was put to vote, whether he should enjoy the chief command, or Rusk continue in his former capacity, until the arrival of general Houston. The matter was decided by an overwhelming majority in favor of the two latter gentlemen—so that Rusk remains brigadier general commanding, and the authority of major general Houston will be recognised as soon as he arrives in camp. Lamar is said to have behaved in his usual disinterested and patriotic manner.

The same letter adds—Santa Ana, the ill-fated and fallen despot is now at Columbia, and has the pleasing anticipation of being shortly escorted to the army, and there receiving his sentence—a detachment has been ordered in for the purpose. You may hear of a catastrophe before many weeks have elapsed. I anticipate it with positive certainty. Miserable indecision in not having inflicted upon him "death or worse punishment" immediately after his capture, when the act would have been upheld and justified by the whole civilized world.

The Texian army is said to be rapidly increasing, and that an invasion of Matamoras was talked of—which was only delayed for the present by the great scarcity of water, and the contagious maladies peculiar to the season, in those arid wastes over which the Texian army would have to march.

Grand Gulf, (Miss.) July 21.

We learn generally, that the Mexicans, to the number of 12 to 15 thousand, are on their way to Texas, by land and water. It is stated, on good authority, that the Mexican soldiery are sworn to exterminate all Americans, or never to return. The latter we think it most probable they will do. But this oath speaks very little regard for Santa Ana and his officers, in the power of the Texians. We perceive that governor Fulton, of Arkansas, has called out a thousand militia, for an object of which we are not yet informed, but, perhaps, contingently connected with Texian troubles.

We are informed by a gentleman who left Nachitoches last Saturday, July 16th, that the tide of emigration towards Texas is immense; the whole country is swarming with men. General Houston has not yet joined the army; and major general Lamar remains commander-in-chief. The tug of war is yet to come, and we anxiously await the result.

FROM MEXICO.

From the New Orleans Bee of the 6th inst.

By the arrival of the schooner Halcyon, capt. Dickerson, from Matamoras, we have been put in possession of our regular file of papers from that city to the 29th ult. Whatever of interest they contain will be found below.

By a letter received from the American consul at Matamoras, we learn that the Mexican government have opened their ports to all kinds of provisions, during the war with Texas, paying an ad valorem duty of 10 per cent.

The blockade of the port of Matamoras, by the Texian cruisers, does not appear to be very efficient: both Mexican and American vessels are permitted to pass without molestation. All was quiet in the city when the Halcyon left, and but few troops there. The speech of J. Q. Adams on the admission of Texas into the union, was published in an extra at Matamoras and greatly admired.

The *Matamoros Mercury* of the 29th ult. says, that from the want of authentic information from the interior, it can give no particulars of the *troubles* said to exist there. We sometime since expressed our opinion that all was not right as regards the internal affairs of Mexico; we are the more convinced of the fact by the above. Where the revolution will first break out, or when it will end, is still in the womb of futurity.

ARMY OF OPERATIONS.

The general-in-chief of the army of operations has received by express, the following decree from the war department.

1st. During the war to be carried on against the insurgents in Texas, it will be lawful to import foreign provisions, in the port of Matamoras.

2d. The duties on said imports will be paid in provisions and stores, which will be taken at the sale prices and exclusively destined to the support of the army sent in Texas.

3d. The provisions which will come from the interior, destined to said army of operations, shall be free of duty, and the mules and wagons by which they are transported, shall not be liable to a requisition from the government.

ANGEL GARCIA QUINTANAR, *president.*
ANTONOGENES CASTEILLERO, *secretary.*
RAFAEL DE MONTALVO, *do.*
Countersigned, J. M. TORNEL.

DISTRICT GOVERNMENT.

Jose Gomez de la Cortina, colonel of the brigade *del Comercio* governor of the district, proclaims the following decree, transmitted from the financial department.

His excellency the president *ad interim* of the Mexican republic has sanctioned the following decree, adopted by the general congress.

1st. The Mexican government is authorised to levy a forced loan, on the whole extent of the republic not exceeding a sum of two millions of dollars, in order to make up for the deficit left in the treasury.

2d. The maximum of any share shall be a thousand dollars.

3d. The certificates delivered as evidence of payment, shall be received by government, after the lapse of one year, for all contributions and taxes.

JOAQUIN PARRES, *President.*
JOSE R. MALO, *Secretary.*
RAFAEL DE MONTALVO.

It is decreed that the present decrees be printed, published and put in circulation, in order that it may fully executed.

Palace of the national government, Mexico, June, 1836.
JOSE JUSTO CORRO.

From the New Orleans Merchants' Exchange Bulletin.
Extract of a letter dated Matamoras, July 29, 1836.

The Camanche Indians,* a few nights past, came into Matamoras, and stole about 700 horses belonging to the Mexican cavalry, and committed other depredations. The Mexican troops, between 3,000 and 4,000, have positively refused to march into Texas until they have been paid what was due them. The officers in command endeavor to pacify them by saying that the *conducta* is daily expected from the interior with $200,000. Gen. Filasola's defence was published in the Mexican papers, and reflects great discredit on the Mexican soldiers.

The Texian prisoners in this place are compelled daily (in chains) to sweep and cleanse the streets!

Since writing the foregoing, I have just heard from good authority that some of the principal officers of the Mexican army have declared that they will not go into Texas until a sufficient quantity of provisions has been sent before them, and they must be paid their arrearages, as they will no longer trust to the promises of the Mexican government.

THE KENTUCKY VOLUNTEERS DISBANDED.

Gen. *Combs* has handed us the following letter, addressed to the governor of Kentucky, a copy of which was sent to him by express from Frankfort. [*Observer.*

Hermitage, Aug. 7, 1836.

SIR: Arriving at this place on the evening of the 5th instant, I was made acquainted with the requisition of gen. Gaines on the governors of Tennessee, Kentucky, Mississippi and Louisiana, for 1,000 men from each state. The letter of gen. Gaines and the proclamation of governor Cannon, of Tennessee, made known the basis of this requisition. Regarding the reasons assigned by gen. Gaines as not consistent with the relations which we have maintained with Mexico, since the existence of the civil war in Texas, or with those which it is our duty and wish to cultivate with that government, as long as it observes good faith and friendship in its intercourse with the United States, I feel myself called on to inform you that that requisition has not received my approbation, and that I trust, if the men called for have been brought into the field, you will forthwith cause them to be mustered and discharged, and await for further orders from the general government in respect to any other requisition for the militia.

The 10,000 volunteers authorised by the late act of congress have been apportioned among the states and territories nearest to the theatre of actual or apprehended hostilities from the Indians. They are considered sufficient, combined with the regular troops, to maintain the peace of the frontier, and to terminate the war which now exists with the Creeks and Seminoles. All of them have not been brought into the field, but gen. Gaines was notified that 1,000 volunteers in Arkansas, and 1,000 in Missouri, had received orders to be organized and held in readiness for one year's service, should the emergency arise making their employment necessary on the frontier now commanded by him. This circumstance makes the present requisition of gen. Gaines still more unaccountable, particularly as it is believed that our western frontier is now tranquil. Under these circumstances, you will please cause the troops called for by the requisition in question, if they have been raised, to be discharged. They will be paid as soon as an appropriation by congress can be obtained for this purpose. I am, very respectfully, your obedient servant, ANDREW JACKSON.

To his excel. Mr. Morehead, gov. of the state of Kentucky.

GENERAL ORDERS.

Lexington, 13th August, 1836.

The president of the United States has ordered the governor of Kentucky to disband the troops, who so promptly volunteered to march to the south western frontier to defend it from savage depredations.

Neither the deadly climate to which they were ordered, nor the inevitable hardships and privations of a thousand miles march, at the most unfavorable season of the year, could damp the ardor of the gallant *Hunters of Kentucky*, when called to rally under "The Star Spangled Banner."

*These are the Indians whom the Mexicans are charged with having enlisted in their service.

Selected by the governor to lead them to the field, it is but due to myself to declare that I would have been the friend and father of the high spirited youths intrusted to my care, as well as their commander. It has been ordered otherwise, and we must submit. It now only remains for me to have your names enrolled on the records of the department of war, and to obtain for you such compensation for your loss of time and expenditures, as a sense of justice may induce congress to grant. This duty, you may rest assured, shall be discharged with pleasure and fidelity. Blank muster rolls will be furnished to the captain of each company by the adjutant general of Kentucky and his instructions must be strictly attended to.

LESLIE COMBS, *Com. K. V. M. G.*

THE WHALE FISHERY.

From the Newcastle (Eng.) Journal.

The importance of the whale fishery, not only to the merchant adventurers of mercantile shipping interests, but in a national view, as educating a race of hardy and enterprising seamen for the royal marines, has occasionally been talked about in this country, in parliament and out of it, but never in truth received the attention, or was regarded with the sympathy of which it is so eminently deserving. We allude more especially to the whale fishery of the South Seas and great Pacific. Our trans-Atlantic brethren are neither such short-sighted or lukewarm observers in matters of high public concern. Although their traffic in that vast expanse has already attained an extraordinary development, and might seem equal to satiate the aspirations the most soaring, yet with them success unparalleled serves but as a stimulant to exhaustless energies, and what has been accomplished, however extraordinary in extent, is viewed but as an earnest of what remains in store, and may be achieved. Over the globe industrial they march from one triumph to another; in the words of the poet they "conquer known worlds, and then imagine new." The American South Sea fishery has reached a growth of such gigantic proportions, and has become an object nationally of such high import, that the state has deemed it expedient to come in aid of the spirited trader, by devising means for his protection, so as to enable him to enlarge the sphere of his operations, in the perfect confidence of security. We learn by papers of the United States, that a commitee on naval affairs has been sitting, in which the condition and prospects of the South Sea Pacific whale fishery have been carefully examined; and resolutions have passed for recommending to the senate various measures calculated to promote its extension and facilitate its operations. The report now lies before us, from which, for the present, we shall content ourselves with the following brief sketch of the actual situation of this mighty interest in the ports of the United States of America:—

Number of vessels engaged in the whale fishery to the South Seas, 460.

Which on an average of 376 tons each, makes 172,500 tons, or one-tenth of the whole tonnage of the United States.

The average cost of these vessels is $40,000, requiring therefore an active capital of $18,400,000.

Each time this whale fleet put to sea, there is required for victualling and outfit, 80,000 barrels flour, 79,000 barrels pork and beef, 261,000 gallons molasses, 551,600 pounds coffee, 256,800 pounds sugar, 172,500 pounds tea, 1,300 tierces rice, 45,460 pieces duck (sail cloth), 8,960 tons cordage, 4,600 tons iron hoops, 552,000 sheets copper, 10,000,000 staves, 460,000 dollars' value whaling gear, harpoons, &c. besides large quantities of beans, corn, peas, potatoes, &c.

The committee state that, directly and indirectly, from 50,000,000 to 70,000,000 of property are embarked in the fishery, and that it employs from 9,000 to 12,000 seamen; that "it is a nursery for seamen for which no substitute can be found, eminently fitted to form precisely such men as the nation requires for the times of trial and struggle."

The committee, after adverting to the "hundreds of islands, reefs and shoals, unmarked upon any chart, and unknown to common navigators," which exist in those seas, proceed to recommend the equipment of a fleet for "exploration" or discovery, to consist of two vessels of about 200 tons each, with a tender of 100 tons, and a store ship of competent dimensions, to be accompanied by a sloop war for protection, and to "secure peaceful and friendly relations with the inhabitants of the islands" in those seas. The meaning of this is, of course, to take possession of and establish a settlement on some island conveniently situated as a place of resort for refreshments or repairs by the whalers. The object is laudable, for, surely, if ever industry had fair claim to national guardianship and assistance, it is that which flourishes, not, as the committee ably remark, by a "mere exchange of commodities, but by the creation of wealth by labor from the ocean." The subject—encouragement of the South Sea whale fishery—is well worthy the special attention of our own government. With the advantages we possess by our settlements and colonies on the coasts of New Holland, it seems strange that our successful progress should fall short of that of our enterprising brethren of the west.

DEFERRED ARTICLES.

THE DEPOSITE BANKS.

Washington, May 25, 1836.

To the editors of the National Intelligencer:

GENTLEMEN: Will you do me the favor to publish the enclosed article from the St. Louis Republican, for the information of my constituents? I am compelled to make this request, as the house refused, this morning, to take up the resolution of Mr. Dromgoole, and my amendment, and as "order" forbade me announce the reason for the motion which I made to suspend the rules. I am your obedient servant,

HENRY A. WISE.

Messrs. *Gales and Seaton.*

From the Missouri Republican of May 14, 1836.

The public moneys. The Globe, in the month of September last, published the details of an arrangement made by the different deposite banks, by which the long promised "better currency," as that paper then styled it, was to be secured to the country. The details, as we have said, were given, but it did not appear that the arrangement was the fruit of *Reuben M. Whitney's* labors; nor has this fact, so far as we know, been alluded to at any time. Such, however, was the case. A new Van Buren paper has been recently started at Palmyra, in this state, called the "Marion Journal," the first No. of which contains a communication from Wm. Blakely, receiver of public moneys for that district, in which a "circular" embodying the whole arrangement *with instructions from* "R. M. Whitney," is inserted. The receiver commences with these remarkable words—"*I am instructed* to receive in payment for public lands the notes on the following banks:" and then copies the circular, dated "Washington, August 21, 1835."

The opening paragraph—which, as well as those parts inserted below, was suppressed by the Globe—read thus:

"I have the pleasure to inform you that, since my circular to you of the 25th June last, I have received communications from the greater part of the deposite banks, upon the subject of redeeming such of their notes in New York and Philadelphia, as may be received on deposite from receivers of proceeds of public lands, as well as receiving from such receivers the notes of such of the deposite and others banks as redeem the same, either in New York or Philadelphia; and I am now enabled to communicate to you the arrangements made with the following banks."

Then follow the "arrangements" announced, and which we have already published. Mr. Whitney closes his circular by saying—

"These arrangements have been entered into with the understanding and full reliance that each bank will act towards the other in fairness, and with the most sacred fidelity; that no one will call upon any other to redeem their notes which have not been received from the public receivers, or in payment of public dues, in cases where the banks have extended the limitation that far.

"I have forwarded a copy of this to each of the public receivers, and I have no doubt but they will all act with such fairness, that no injustice will be done to any of the deposite banks. Should it ever be otherwise, and any of the banks have cause to feel aggrieved, I am authorised by the secretary of the treasury, to say that he will take the most prompt measures to remove any just cause of complaint.

"It is expected by all the banks which have come into the arrangement, that when one forwards for redemption, at the places named, the notes of any bank, it will, at the same time, inform such bank of the amount which it has thus sen forward.

"I would suggest, that in case any one of the deposite banks which have not entered into this arrangement shall hereafter do so, they communicate the terms, &c. to me, that the same may be communicated to the others, as well as to the public receivers.

"As it will greatly increase the security against counterfeits, I would suggest that each deposite bank which has or may enter into this arrangement, forward to each of the public receivers, the signatures of their respective presidents and cashiers. For this purpose, I forward with this a list of the public receivers, with the places of their residence.

"I am, very respectfully, your obedient servant,

"R. M. WHITNEY."

In the course of the investigations, newspaper and otherwise, which have taken place in the last few months, it has been boldly denied that *R. M. Whitney* had *any connexion with the treasury department.* In his letter to the publishers of the Globe, of the 5th of March last, he represents himself as the agent "of a number of the most respectable deposite banks." employed to reside at Washington, to act as their corresponding agent, and to look after their interests generally. The Globe denied that he had any official connexion with the treasury; and an inquiry was objected to in congress because he was a *private* citizen. The circular before us, however, unveils his true character. He has, beyond a doubt, the control of all the funds received into the treasury from the sale of the public lands: he avowedly acts under authority from the secretary of the treasury, and threatens all erring banks with "prompt measures to remove any just cause of complaint:" he is recognized as a treasury officer by the receiver who published the circular, for Mr. B. expressly says, "*I am instructed,*" &c. and goes on to quote the letter of instructions. Either this must be the case—either he is an accredited officer of the treasury department, or he must be a private citizen, the agent "of a number of respectable banks," if you choose, but still having the exclusive regulation of the currency, and the control of eleven (fourteen) millions or more of money received for pub-

lic lands annually. When before has the spectacle been presented to us of a private citizen giving peremptory instructions to government officers, and wielding many millions of public money for the benefit of banks paying him a high price for his services?

A CARD.

"A certain" Henry A. Wise having requested the publication of "an article from the St. Louis Republican for the information of my (his) constituents," in which reference is made to a "communication from Wm. Blakey, receiver of public moneys for that district, in which a '*circular*,' embodying the whole arrangement, WITH INSTRUCTIONS FROM R. M. WHITNEY, is inserted," and continues, "the receiver commences with these remarkable words: '*I am instructed* to receive in payment for public lands the notes of the following banks,'" —the statement made by the conductors of the Republican, for the purpose of conveying the idea that I gave the *instructions*, which the receiver states he had received, in relation to what bank notes he was to receive in payment of public lands, is a piece of downright *chicanery*, on their part. The "circular," which is referred to and printed by them, contains not one word to justify the assertion, which is FALSE in every particular. If that receiver had *instructions*, I presume it was from the bank with which he makes his deposites, as I know that bank issued a circular to the receivers, informing them what bank notes he would receive from them on deposite.

I have already *proved* H. A. Wise guilty of uttering a *base falsehood*, in the house of representatives, against me; and in appending his name to the article from the Missouri Republican, he has *endorsed* another BASE FALSEHOOD, which I publish "for the information of my (his) constituents."

R. M. WHITNEY.

Saturday, May 28.

LETTER FROM THE HON. JOHN C. CALHOUN.

Mr. Calhoun addressed the following letter to a committee of the citizens of Athens, Georgia, who tendered him a public dinner when on a visit to that place.

Athens, 5th August, 1836.

GENTLEMEN: If I could be induced to depart from a rule which I adopted several years since, on the approach of a memorable crisis of our affairs, to decline all public demonstrations in approbation of my political course, I would with great pleasure accept the very kind and pressing invitation to a public dinner, which you have tendered me, in the name of the citizens of Athens and its vicinity. But the reasons which induced me originally to adopt the rule have not yet ceased to operate. Foreseeing, that the course, which a sense of duty impelled me to take on the occasion to which I have referred, would give the ignorant and artful an opportunity to impute to me base and unworthy motives, I determined to forego, (in order to repel, as far as possible such imputations), all public honors, and to seek my reward in the difficult path which I proposed to tread, in the approbation of my conscience, and the approval of after times.

That my conduct in the difficult scenes through which I have passed, has met the approbation of yourselves and those you represent, is to me a source of much gratification. The two subjects, abolition and the regulation of the public deposites, in reference to which, you have in particular approved my conduct, are of primary importance, and you could have selected none on which your approbation would have been more acceptable.

Of all questions which have been agitated under our government, abolition is that in which we of the south have the deepest concern. It strikes directly and fatally, not only at our prosperity, but our existence as a people. Should it succeed, our fate would be worse than the aborigines whom we have driven out, or the slaves whom we command. It is a question that admits of neither concession nor compromise. The door must be closed against all interference on the part of the general government in any form, whether in the District of Columbia, or in the states or territories. The highest grounds are the safest.

There is one point, in connexion with this important subject, on which the south ought to be fully informed. From all that I saw and heard during the session, I am pefectly satisfied that we must look to ourselves and ourselves only for safety. It is perfectly idle to look to the non-slaveholding states to arrest the attacks of the fanatics. I readily admit that the great body of enlighted citizens of all parties in these states are opposed to their wicked and dangerous schemes, but so intent are the two parties which divide and distract all the non-slaveholding states on getting or retaining power that neither will directly oppose the abolitionists on our account, from the fear that by incurring their displeasure they might lose the ascendency in their respective states, or defeat their prospects of rising to power. As strong as may be their sympathy for us, their regard for their party at home is still stronger. Of this we may be perfectly assured. Nor would it be less vain to look to congress. The same cause that prevents the non-slaveholding states from interference in our favor at home, will equally prevent congress. We must not forget that a majority of congress in both houses are the representatives of those states, and of course actuated by all the feelings and calculations which govern their respective states. But, if true to ourselves, we need neither their sympathy nor aid. The constitution has placed in our power ample means, short of secession, or disunion, to protect ourselves. All we want are harmony and concert among ourselves to call them into effectual action when the necessity comes.

As to the act of regulating the public deposites, I consider it by far the most fortunate measure of the session. And here let me say, which is due to truth and justice, that to the success of this great and beneficent measure, the country is greatly indebted to the steady and firm co-operation of a majority of the friends of the administration in both houses, who prove by their acts that they preferred their country and its institutions to party attachment.

If I mistake not, the passage of the measure is the commencement of a new political era. It will be regarded in history as making the termination of that long vibration of our system towards consolidation, which lately threatened the overthrow of our institutions and the loss of our liberty, and the commencement of its return to its true confederative character, as it came from the hands of its framers.

There is one view of this important subject highly interesting to the southern Atlantic states, and especially to this, which deserves notice. It will afford the means, if properly applied, of opening our connexion with the vast and fertile regions of the west, to the incalculable advantage of both them and us. We are far in the rear of the other sections in reference to internal improvement. Nature seemed to place an inseparable barrier between the southern Atlantic ports and the west; but a better knowledge of the geography of the country, and the great advance of the means of communication between distant parts, by rail roads, have, in the last year or two, opened new views of prosperity for our section. Instead of being cut off from the vast commerce of the west, as had been supposed, we find to our surprise that it is in our power with proper exertions to turn its copious stream to our own ports. Just at this important moment, when this new and brilliant prospect is unfolding to our view, the deposite bill is about to place under the control of the states interested ample means of accomplishing, on the most extended and durable scale, a system of rail road communication that, if effected, must change the social, political and commercial relations of the whole country, vastly to our benefit, but without injuring other sections. No state has a deeper interest in seeing the system executed than Georgia. Her position gives her great and commanding advantages in reference to rail roads; more so, in my opinion, than any other state in the union, and all that she wants to raise her prosperity to the highest point and place it on the most durable foundation is a wise and judicious application of her means. Though possessed of less advantages, I feel confident I speak the sentiments of Carolina in saying, that she feels no envy at the superior advantages of Georgia, and that she will rejoice to see them developed to the fullest extent. That there may be a general rivalry and a hearty disposition between them to co-operate to the full extent, where their joint efforts may be of mutual advantage, is my ardent desire. Let us both bear in mind, that though each still may have its separate interest to a certain extent, yet as it regards other sections, they both have a common interest, and that interest is to unite the southern Atlantic by *the nearest, cheapest* and *best routes with the great bosom of the Mississippi and its vast tributaries*. With great respect, I am, &c. &c.

J. C. CALHOUN.

A. S. Clayton, C. Dougherty, S. J. Mays, George H. Young, Asbury Hull, George R. Clayton, Hines Holt, esq'rs.

COLONEL CROCKETT.

From the Jackson (Tenn.) Truth Teller.

Lost Prairie, Ark's, 1836.

MRS. DAVID CROCKETT:

Dear madam: Permit me to introduce myself to you as one of the acquaintances of your much respected husband, col. Crockett. With his fate in the fortress San Antonio, Texas, you are doubtless long since advised. With sincere feelings of sympathy, I regret his untimely loss to your family and self. For if amongst strangers, he constituted the most agreeable companion, he, doubtless, to his beloved wife and children, must have been a favorite *peculiarly* prized. In his loss, freedom has been deprived of one of her bravest sons, in whose bosom universal philanthropy glowed with as genial warmth as ever animated the heart of an American citizen. When he fell, a soldier died. To bemoan his fate, is to pay a tribute of greatful respect to nature—he seemed to be her son.

The object of this letter, is to beg that you will accept the watch which accompanies it. You will doubtless know it when you see it. And as it has his name engraved on its surface, it will no doubt be the more acceptable to you.

As it will probably be gratifying to you to learn in what way I became possessed of it, permit me to state, that, last winter (the precise date not recollected by me), col. Crockett, in company with several other gentlemen, passed through Lost Prairie, on Red River, (where I live). The company, excepting the colonel, who was a little behind, rode up to my house and asked accommodations for the night. My family being so situated, from the indisposition of my wife, that I could not accommodate them, they got quarters at one of my neighbors' houses. The colonel visited me the next day and spent the day with me. He observed, whilst here, that his funds were getting short and as a means of recruiting them, he must sell some-

thing. He proposed to me to exchange watches—he priced his at $30 more than mine, which sum I paid him, and we accordingly exchanged.

With his open frankness, his natural honesty of expression, his perfect want of concealment, I could not but be very much pleased. And with a hope that it might be an accommodation to him, I was gratified at the exchange, as it gave me a *keepsake* which would often remind me of an honest man, a good citizen and a pioneer in the cause of liberty, amongst his suffering brethren in Texas.

His military career was short. But though I deeply lament his death, I cannot restrain my American smile at the recollection of the fact that he died as a United States soldier should die, covered with his slain enemy, and, even in death presenting to them in his clenched hands, the weapons of their destruction.

We hope that the day is not far distant when his adopted country will be freed from a savage enemy, and afford to yourself and children, a home, rendered in every way comfortable, by the liberal donations of her government.

Accept, dear madam, for yourself and family, the most sincere wishes for your future happiness, of

Your most obedient servant and friend,

ISAAC N. JONES.

MR. MADISON AND THE CONSTITUTION

From the Boston Atlas.

The decease of Mr. Madison, the survivor of the members of the convention of Philadelphia, necessarily draws the attention of the public mind to that assembly of statesmen, and to the great work there accomplished. It has already been remarked that the profound secrecy with which their debates were conducted, and the scrupulous adherency of the members to the injunction not to disclose any part of the proceedings, leave us without the ordinary means of information as to the progress of their labors. Facts have since transpired calculated rather to awaken than to satisfy curiosity. Some of them have already been noticed in our former remarks.

In the library of the historical society in this city, are copies of two printed drafts of the constitution, in the condition in which it stood before the convention, at different periods of the session. They are curious documents for the student of constitutional history. It is understood that only sixty copies were printed for the use of the members, under the inspection of a committee, and probably no other copies are now in existence, than those above mentioned.

The two drafts are, in many respects, essentially different. It may, perhaps, be difficult to designate their relative character, except only that the powers of the government are less distinctly marked in the first than the second, and that these powers, whenever conferred, or by whatever branch to be exercised, are less trammelled by limitations than in our existing constitution.

In the first draft the executive department was to be in a president, chosen for seven years, by congress, and afterwards ineligible, to be styled his excellency—to appoint, by his own authority, all officers not otherwise provided for, and to be commander-in-chief of the army, navy and militia of the U. States. The clause by which this latter power is now limited in our constitution, and which limitation gave so much trouble during the late war, is not therein inserted.

On the other hand, the power "to make treaties, appoint ambassadors and judges of the supreme court," is taken from the president, and vested altogether in the senate of the U. States.

This first printed draft of the constitution was ordered after the very troublesome question of representation in the house and senate, which at one time had nearly dissolved the convention, and had been adjusted by the grand committee, of which Mr. Gerry was chairman, as we have already mentioned, so that it may be thought that the scheme then presented had a very fair chance of ultimate success.

Now, there is a private history in this matter, which, if Mr. Madison has not revealed, will be forever lost to posterity.

Up to this period, governor Randolph and governor Gerry, the leading representatives of two distinct classes of political men, heartily united in putting their shoulders to the wheel, and endeavoring, by every exertion they could make, to press the convention to a successful issue. There is abundant evidence that, up to this time, both those gentlemen, and the members with whom they acted, were exceedingly conciliatory in their views, yielding up favorite projects, and submitting to changes in detail, in the hopes of accomplishing their objects; and it is certain that, at almost any time previous, if they had voted in opposition, the convention would have been dissolved. Yet, after the alterations made in the first draft by the second, both these members became so hostile to the instrument that they refused their signatures; and it is believed that several who would have declined signing the first, concurred in, or at least accepted the second.

We cannot learn the cause of this refusal by the one party, or concurrence by the other, from an inspection of the printed copies, especially as governor Randolph, governor Gerry and Mr. Luther Martin, the then attorney general of Maryland, (considered the best red lawyer in the convention), who also refused his signature, had no very strong bond of political sympathy. We rather conjecture that the result was brought about by the want of some provisions which these gentlemen, or at least the two first named, desired to add to the draft before it left the convention.

Governor Gerry's objections, as communicated by him to the legislature of Massachusetts, would apply as well to the first as the second. Governor Randolph's, if we may judge by his subsequent conduct, would more strongly apply to the first; and the attorney general of Maryland's statement went equally against both.

In some way or other, state rights were at the bottom of the difficulty. Massachusetts and Virginia probably felt that their former superiority in the union would not be retained, and that little Maryland did not find that her former insignificance would afterwards cease. But what we suspect is, that the jealous republicans of the convention felt afraid that too much was to be trusted to the administration of the government in settling the condition of the country.

It was a favorite, if not a popular maxim, that, as to government,

"That which is best administered is best."

and to this doctrine these men could not submit.

On this topic, about which we have a stronger interest than mere curiosity, we hope to be enlighted by the forthcoming work of Mr. Madison. A.

BALTIMORE RIOTS.

Awards of the commissioners under the indemnity law.

Richard Lemmon, Robert Barry and James Cheston appointed by the governor and council of Maryland commissioners under the act passed by both branches of the legislature of Maryland at December session 1835, entitled "an act to provide indemnity to the sufferers by certain riots in the city of Baltimore," having examined and ascertained "by view, and by such proof under oath as they deem competent and sufficient, the value of the property injured or destroyed by the mob" belonging to all persons "who have alleged in writing by proof under oath to the said commissioners that their property was injured or destroyed by the mob aforesaid," in further pursuance of their duty under the act aforesaid, do make to the treasurer of the western shore this "return of the estimate of the value and damages by them made, specifying the name of the parties injured, and the amount of loss or injury sustained by them respectively," viz:

Reverdy Johnson, the sum of forty thousand six hundred and thirty-two dollars and fifty cents,	$40,632 50
John B. Morris and Lydia Hollingsworth, the sum of sixteen thousand eight hundred and twenty-five dollars and ninety-two cents,	16,825 92
Evan T. Ellicott, the sum of four thousand seven hundred and forty-seven dollars and fifty-five cts.	4,747 55
Eleanor Bond, the sum of one thousand six hundred and forty-three dollars and forty-four cents,	1,643 44
John Glenn, the sum of thirty-seven thousand two hundred and seventy dollars and sixty-five cents,	37,270 65
Elizabeth Patterson, the sum of four hundred dollars,	400 00
J. J. Audubon the sum of one hundred and twenty dollars,	120 00
Ebenezer L. Finley, the sum of nine hundred and twelve dollars and seventy-six cents,	912 76
	$102,552 82

Baltimore, August 6th, 1836.

RICHARD LEMMON,
ROBERT BARRY,
JAMES CHESTON. } *commissioners.*

State of Maryland, city of Baltimore, sct.

On this sixth day of August, 1836, before me, the subscriber, a justice of the peace of the state of Maryland, residing in the city of Baltimore, personally appeared Richard Lemmon, Robert Barry and James Cheston, and made oath that the foregoing return, signed by them, is just and true to the best of their knowledge and belief. Sworn before JAS. B. LATIMER.

THE PUBLIC LAND FRAUDS, &c.

In perusing a very interesting circular letter from the honorable RICE GARLAND, one of the representatives in congress from Louisiana, we were so much interested in the subjoined passage, that we have thought we could not do better than lay it before our readers. It gives, in a condensed form, from responsible authority, an account of what passed in the house of representatives on the subject of the alleged land frauds, at the late session of congress. [*Nat. Intelligencer.*

Extract from Mr. Garland's circular.

The war that has been for months past waged with the Seminole Indians in Florida, still continues. That which has more recently commenced with a portion of the Creek nation is likely to be brought to a more speedy termination. These wars will cost the country from five to six millions of dollars, in all probability, and a loss of life that cannot be appreciated. If the truth shall ever be known in relation to the causes of these wars, I hazard very little in saying that *they have arisen more from the oppressions and frauds practised with impunity on the Indians by the citizens of one or two states, than from any other cause.* It is the duty of the government to protect and defend our citizens, be the causes of war whatever they may, and I have voted for every appropriation for that purpose; yet I cannot refrain from saying that, if the tomahawk and scalping knife were, or could be made to fall only on the heads of

the heartless speculators, their fate would not excite either my sympathy or regret.

Within a few days of the close of the session, a petition from about eight hundred residents of the states of Georgia and Alabama was presented to the house of representatives. It stated that shameful and outrageous frauds had been practised on the Creek Indians, which they had no doubt had brought on the war. They intimated, in terms that could be understood, that *some of those who had been engaged in practising frauds upon the Indians had been instrumental in exciting them to hostilities, the better, it is supposed, to conceal their share in them.* They asked congress to adopt some course calculated to ascertain the frauds, and bring to justice the perpetrators of them. A proposal was made to refer the petition to a committee of the house, to be invested with full power to send for witnesses and documents, and, if necessary, to proceed to the Indian country, to examine into the alleged frauds, and recommend the adoption of such measures as might be deemed necessary to expose the fraudulent transactions, do justice to the Indians, and punish the guilty. A proposition so fair and reasonable was resisted by the great body of the friends of the administration, and voted down by them; and the petition of a large number of citizens, addressed to congress, asking that body to provide a remedy for alleged wrongs and gross frauds, was sent to the president to make *inquiries*, and take such measures as he might deem proper to correct the evils of which the petitioners complained.

This is but one instance, among several others, in which the friends of the administration, during the late session, have resisted or evaded inquiries by committees into the manner in which the public business has been transacted. The committee on Indian affairs, at an early period of the session, asked for authority to send for documents and papers, and to examine witnesses, stating it was necessary an investigation should be made into the manner our Indian affairs were administered. The authority was given, and I have understood the committee were diligently employed afterwards in their examinations. They were necessarily extensive, and required much time. A few days previous to the adjournment, a short report or statement was made to the house by the chairman, acting, as he said, under the unanimous direction of the committee, in which he stated, in substance, that the committee had not been able to get through the investigation with which they had been charged; that they had ascertained enough to satisfy them it ought to be continued; and asked further authority to sit during the recess of congress, for the purpose of proceeding with the taking of testimony. This committee was composed of supporters and opponents of the administration. They were unanimously of opinion, as I understood, that they ought to be permitted to continue in session; but it was refused by the casting vote of the speaker.

Attempts were made at other periods of the session to investigate the transactions of other departments of the government. The connexion between the treasury department, the deposite banks and their agent or agents, was the subject of one resolution. It was proposed to examine into the administration of the affairs of the general land office, and the operations of the land system generally; and a gentleman from Virginia offered various resolutions to raise committees to examine each department of the government, and to lay its proceedings before the people; but his resolutions were not adopted.

On the 20th of June last, a resolution to raise a committee to inquire into the alleged combinations and connexions between members of congress, different officers of the general government, and the deposite banks, for the purpose of speculating in the public lands with the public money, was adopted, and the committee appointed; a majority of whom were decided friends and supporters of the administration. They made some progress in the examination with which they were charged; but not being able to complete the investigation, from the advanced period of the session, they made a report in part, which concluded with certain resolutions, which I copy as they are printed by the printers to the house.

"Mr. *Hunt*, from the select committee appointed to inquire, whether members of congress or others had procured public moneys of the deposite banks, for the purpose of speculating in the public lands, made a report, accompanied by the following resolutions.

"*Resolved*, That the select committee appointed by this house, on the 20th June, 1836, be increased to nine, and that said committee have power to sit during the recess of this house.

"*Resolved*, That said committee embrace in their inquiries any connexion between deposite banks or others, and the land offices for the purposes of speculation.

"*Resolved*, That said committee inquire how far, and to whom, for speculation in public lands, the deposite banks have issued certificates of deposite without an actual deposite in cash, and to what extent they have been received in payment for purchases of public lands at the several land offices.

"*Resolved*, That said committee inquire how far, and to what extent, combinations in the purchase of the public lands have been formed, or are forming, sufficiently strong, from interested motives, to control to any extent the legislative action of congress."

Very grave matter is involved in these resolutions, certainly deserving investigation; and it came before us in a very imposing manner, being the report of a committee specially appointed. Yet the house of representatives refused to adopt the resolutions and continue the committee. I know nothing personally of the transactions alluded to; but rumors and reports affirming the facts, were in circulation here, in which the name of a very high public functionary was mentioned.

I have felt it my duty to lay these circumstances before you, that you my draw your own inferences from them. The impression made on my mind is, that investigation and examination into the manner in which our affairs have been and are conducted, so far from being invited, as it would have been if every thing was right and proper, has openly resisted, or evaded by the operation of parliamentary rules.

A PACKET SHIP.

In nothing has our country made more rapid progress than in the science of naval architecture—especially in the construction of ships of war and packet ships. The following description of the Oxford, from the New York "Express," will afford our readers some idea of the strength and beauty of the latter, which are not surpassed by any ships of their kind in the world.

We have heretofore adverted to the splendid ship Oxford, lately launched, and belonging to the old line of Liverpool packets; and we cannot but recur to the subject again, for the purpose of noticing the beauty of her model, elegance of arrangement, and perfectness of thing on board of her throughout.

The Oxford is nearly 850 tons measurement, and will probably carry a larger cargo than any other merchant vessel belonging to the United States. For strength, she is certainly unsurpassed by any ship now afloat; among other improvements we noticed that every stanchion in her hold was strengthened by braces secured to the deck beams. The Oxford has many conveniences facilitating the reception and discharge of her cargo; among others may be observed a port hole on each side, cased with iron, between decks, for taking in and delivering iron, lead, rail road bars and other small, but heavy articles, and which will save an immense amount of hard hoisting. On entering the gangway may be observed on the forward part the arms of Great Britain, on the after side the American eagle; under each are two hands firmly clasped—emblematical of the present happy union which exists between the mother and daughter. The carving on the stern and about the head, is quite classical, and very appropriate to the name of the ship, representing a student reclining among books, maps, globes and other articles pertaining to a collegiate life. The arms of the city of Oxford would have been rather uncouth, being simply an *Ox* crossing a *ford*. On the main deck are the state rooms of the commander and first officer. The location chosen by these important personages, proves that they intend to be constantly on hand—and that they mean to keep the deck, in their *watch below*. There is also on deck a convenience and comfort for passengers, which does not exist on board of but two other packet ships out of the port—we mean the bathing house. This is a most excellent arrangement, which we hope to see followed up by all the packets to be built hereafter.

Now let us walk below, which we can do by a staircase on either side. The cabin is about 60 feet in length, finished with rose wood, satin wood, maple and mahogany, richly intermingled, and with a mirror-like surface; the deck and the state rooms covered with the softest Turkey carpeting, furnished with luxurious sofas, a well arranged library, and all other "appliances and means to boot," so as to furnish the greatest possible degree of comfort for those who make this palace of the waters their temporary home. The accommodations are for about 50 cabin passengers, and we are pleased to see that most of the state rooms are already engaged for her first passage on the 15th inst. The stewart's pantry is a perfect *bijou*, well filled with numberless good things. We had almost forgotten to notice the elegance, and many conveniences of the ladies' cabin, which is finished and furnished in the most sumptuous and comfortable style. In fact there is nothing which experience could suggest, or which wealth can procure, that has not been supplied in the most lavish manner, for this beautiful specimen of American naval architecture.

The Oxford is 148 feet on deck, 34 feet beam, and 21½ feet hold. She is manned by 35 persons, including officers, and from her peculiarly elegant model, we doubt not she will prove one of the fastest ships which skims the ocean. It is but proper to remark that the finishing of the cabin was by those very clever young artists, Johnston & Smith, and the upholstery by Phyfe & Brown, whose names are a guarantee for the manner in which their labors have been performed. Webb & Allen, builders, will long consider the Oxford as their pet.

Yesterday afternoon, in company with a multitude of friends, of both sexes, we accepted a polite invitation from the proprietors, to visit the new ship. Every nook and corner was crowded to overflowing. A neat and splendid entertainment, such as the epicure might envy, was served up tastefully and in great abundance. A brilliant audience of ladies and gentlemen graced the festive board, and with no single exception, we believe, all were highly delighted with every thing around them. The Oxford sails in a few days. May the breezes of heaven give her a safe and speedy voyage.

THE FRIGATE INDEPENDENCE.

This fine frigate was taken out of the dry dock, at Charlestown navy yard, and hauled round to the adjacent wharf to receive her masts, yesterday. The operation of floating her out of the dock was very interesting, and attracted the fixed atten-

tion of more than a thousand spectators, of both sexes. Governor Everett and family, and several other gentlemen and ladies were on board, as was also com. Downes, who assumed the immediate direction of the exciting and critical operation. Many spectators, stationed abaft in the receiving ship Columbus, had a favorable position for observation, and the remainder, entirely surrounding the margin of the dock formed a continuous, yet ever mutable and picturesque border, as seen from the decks of the Independence. About half past eleven two small vents were opened in the dock-gates, and two others near the bottom of the dock, and suddenly the waters leaped in, at each aperture, like bounding animals, each counter current gushing against the others, till the whole body of water was lashed into a milk-white foam.

As witnessed from the stern ports, this furious conflict of the currents, boiling, dashing, and then dying away forward—was an exceedingly animating spectacle. Gradually the water rose above the inlets, and the turmoil subsided, and at 12 o'clock the "shores" which had hitherto supported the frigate began to drop one by one from their positions and glide along side. She floated in 18 feet of water. As soon as the waters within and without were in equilibro—20 feet deep—the bridges on the gates were cleared of spectators, the gates thrown open, and the frigate thrown open without perceptible motion. Nothing could exceed the ease, regularity, and simplicity of the manœuvres by which this result was effected. Every thing was in time and place.

Notwithstanding the large number of persons present—some of whom collected on the steps descending into the dock, and were within imprudent proximity to the frigate—not the slightest accident or incident occurred to mar the gratification derived from the spectacle.

The Independence was hauled up about a year since. She was then a 74, but has been razeed and almost entirely rebuilt and is now only a double banked frigate, but mounts sixty thirty-two pounders. She is considered to be superior in every respect to the old fashioned seventy-fours—being deeper between decks, yet presenting less surface to the fire of an enemy.

[*Boston Morning Post.*

CASE OF MAJOR GATES.

Expression of public opinion. At a meeting of the Barnwell volunters, held at the court house, on Monday, the 1st August, 1836, in pursuance of public notice, to take into consideration the dismissal of major Gates, of the U. States army, capt. Joseph D. Allen was called to the chair, and lieut. J. J. Ryan appointed secretary.

On motion of William H. Allen, the following gentlemen were appointed a committee to draft a preamble and resolutions: James Patterson, Samuel Overstreet and John S. Brown.

The committee retired for a few moments, and returned, and reported the following preamble and resolutions, which were unanimously adopted:

It is with feelings of sincere regret that we have learned the dismissal of major Gates from the army of the United States, for an alleged breach of duty while commanding at Fort Barnwell, Volusia; and as a company left at, and for the protection of that post, under the command of major Gates, we deem it a duty we owe to the country at large, and to the character of a brave and gallant officer, to lay before the public such facts as are not generally known, and which we consider calculated to remove all censure from the conduct of major Gates.

Fort Barnwell, situated on the St. John's river, was established for the protection of provisions brought up from Picolata, and was considered to be the rendezvous of the left wing of the army in Florida, from whence the left wing, composed of regulars and volunteers from South Carolina, under the command of general Eustis, were regularly to draw their provisions and ammunition stores, while acting against the enemy on the Wythlacoochee.

The location of this fort is peculiarly unfavorable; situated in an old field, skirted above and below with an impenetrable river swamp, at the distance of from one hundred and fifty yards to two hundred, together with a thick hammock, at the distance of two hundred and fifty yards, directly in front, and a high hill between the hammock and the fort; the fort itself was rudely constructed, built of imperfect materials, thrown up in great haste, and under many disadvantages.

For the protection of this fort two hundred and ninety odd men were left; more than one-half of whom were detatched from different companies, in consequence of sickness, being afflicted with various diseases which are so well known to have prevailed throughout the army, and were unable to proceed further on the march. Captains Allen and Quattlebum's companies consisted, together, of about one hundred and thirty men. When Quattlebum arrived at the fort, he had not more than fifteen men considered fit for duty. Allen's company was at first in good health, but soon at least one-half became affected with the maladies of camp, and we were compelled to procure men out of the number of those not yet recovered of the measles and other diseases, to perform guard duty. During our stay at Fort Barnwell nearly every man of us was some time prostrated with sickness, and at no time were there more than from one hundred and thirty to one hundred and forty men capable of performing duty.

On the morning of the 14th April, while a small party from the fort were engaged in digging a grave beyond the hill, near the hammock, they were fired upon by the Indians, and two of their number killed; the others succeeded in reaching the fort; in a few minutes we were fired upon on every side, by a foe, whose numbers were unknown, as but few of the savages were seen, in comparison to the number of rifles fired. The attack lasted for some time, when the enemy finally appeared to collect on the south east side, behind the hill before mentioned, and, in the swamp and hammock on that side, continued to fire upon us. We fought them from our pickets. Major Gates himself personally superintended the firing of the howitzer—sergeant Holliday, who was acquainted with the management of the howitzer, and who had been detailed for that duty, having been one of the two who were killed while digging the grave. The major acted with the utmost firmness and intrepidity. He did not make a sortie: for this he was censured by the commanding general of the left wing. At the major's own request a court of inquiry was held—the result is known.

It is not our purpose to censure the conduct of any; our only desire is, that justice may be done to a gallant officer, who has devoted nearly thirty years of his life to the service of his country, and who, in every situation, in peace and in war, has honorably sustained the character of an American soldier. We say, then, from every circumstance connected with the attack on Fort Barnwell, that major Gates acted perfectly right in not making a sortie. He acted as an officer should have acted. The fort, at best, was a temporary affair. A few days previous to the attack, one side had been taken down for the purpose of enlarging it, and was on that occasion not finished, having the picketing hastily stuck up. The provisions, both for man and horse, were on the outside, together with the ammunition and medical stores, which might have been easily destroyed. If major Gates had then made a sortie, there were not more than one hundred and thirty men sufficiently well to have accompanied him. Of the one hundred and sixty odd men who would have been left in the fort, one-half were recovering from sickness, and the other half too sick to do any thing whatever.

Major Gates would have been compelled to attack the enemy from the open field, unprotected, while he was concealed behind the hill, in the hammock and swamp. If he had succeeded in routing the Indians, they would have fled through a hammock and swamp so impenetrable, that none but the furious blood-hound could have followed them. If they had succeeded in routing him, they might have then rushed into the fort, and massacred a garrison worn out with sickness and fatigue. What might have been the consequences attending the loss of this fort to the army of general Eustis? That general had told major Gates, when he left Fort Barnwell, that in eight or ten days he would send back for provisions. Suppose, then, by some precipitate or ill-judged movement, major Gates had lost the fort—suppose general Eustis had taken a different route from the one he did take, and, according to his own word, had sent back to the fort for provisions for his army, and his baggage train had found the fort and provisions destroyed—is it not clear that the lives of thirteen or fourteen hundred men would have been jeoparded?

From every circumstance, then, connected with the attack on Fort Barnwell, we feel fully justified in saying that, had major Gates made a sortie, it must have been one in which he could at best have gained nothing, and in which he might probably have lost every thing; for we did not know, neither do we now know, the real force by which we were assailed. Therefore,

Resolved, That the conduct of major Gates, during the attack on Fort Barnwell, meets our highest approbation; and we sincerely regret that circumstances have been so represented as to induce the president to strike his name from the roll of the army.

Resolved, That the conduct of major Gates, not only during the attack on Fort Barnwell, but towards the officers and soldiers under his command, on every occasion, entitles him to our warmest thanks and esteem; that we are gratified to learn his intention of placing his case more fully before the president, and that we shall hail with pleasure his restoration to the service of his country.

Resolved, That, should the president not deem it compatible, upon the representations which have been made to him in relation to major Gates, to restore him to the service, he would be acting in conformity with the wishes of many of his fellow citizens, by giving him a court martial.

Resolved, That copies of this preamble and resolutions be signed by the chairman and secretary, and forwarded to major Gates and the president of the United States.

Resolved, That the papers in Washington city, Charleston, Augusta, Georgia, New Orleans, Boston and New York, will confer a favor by publishing the above preamble and resolutions.

JOSEPH D. ALLEN, *chairman.*

J. J. RYAN, *secretary.*

INDIAN TRIBES.

From the Nashville Banner.

Nashville, Aug. 1st, 1836.

MR. EDITOR: As the public mind has been and still is somewhat excited with regard to the situation of our western frontier, and the state being now under a requisition of general Gaines for a regiment of mounted gunmen to maintain its defence, I have thought it would not be uninteresting to the public to know the names and numbers of the Indian tribes on that frontier. The statement is taken from an estimate accompanying a map of survey, shewing the geographical and relative po-

sition of the different tribes which was prepared at the topographical bureau during the present year, which I have not yet seen published.

The names and numbers of the Indians who have *emigrated* to the west of the Mississippi.

Choctaws	15,003
Appalachicoles	265
Cherokees	5,000
Creeks	2,459
Seneca and Shawanees	211
Senecas (from Sandusky)	231
Potowatomies	141
Peorias and Kaskaskies	132
Pienkeshaws	162
Wees	222
Ottowes	200
Kickapoos	470
Shawanees	1,250
Delawares	826

The names and numbers of the Indian tribes *resident* west of the Mississippi.

Ioways	1,200
Sacks (of the Missouri)	500
Omahas	1,400
Ottoes and Missourias	1,600
Pawnees	10,000
Comanches	7,000
Mandons	15,000
Mineterees	15,000
Assinaboins	800
Crees	3,000
Crosventres	3,000
Crows	45,000
Sioux	27,000
Quapaws	450
Caddoes	800
Poncas	800
Osages	5,120
Konsas	1,471
Sacks	4,800
Arickaras	3,000
Chazenes	2,000
Blackfeet	30,000
Foxes	1,660
Arephas and Keawas	1,400

And there is yet remaining east of the river in the southern states a considerable number: the five principal tribes are the Seminoles, Creeks, Cherokees, Choctaws and Chickasaws.

Seminoles (yet remaining east)	2,420
Choctaws " "	3,500
Chickasaws " "	5,429
Cherokees " "	10,000
Creeks " "	21,668

Those stated as western tribes extend along the whole western frontier. And taking as true the opinion of the department, that the average number of an Indian family is *four*, it may be seen what number of warriors, by possibility, might be brought into the field, and what number on the other hand might be required to keep them in check.

By publishing the foregoing statement you will oblige your humble servant, THOMAS J. PORTER.

MR. VAN BUREN AND THE ANTI-MASONS.

From the Pittsburgh Gazette.

Pittsburgh, August 8, 1836.

To the editors of the Gazette:

GENTLEMEN: Inclosed you will find a copy of the letter addressed by the honorable Martin Van Buren to the committee appointed by the late national anti-masonic convention. I will thank you to publish it in your paper. Very respectfully, &c. W. W. IRWIN.

Washington, May 19, 1836.

GENTLEMEN: I have to acknowledge the receipt of your letter, communicating to me a resolution adopted by the "national anti-masonic convention," recently assembled at Philadelphia, instructing you to ask me whether, if elected president of the United States, I would appoint adhering masons to office, and have the honor to state, in reply, that I should not, in the event alluded to, feel it to be my duty to inquire whether applicants for office were either adhering masons or opponents of the masonic institution. Whilst the fact of any such applicant being an adhering mason would certainly not be regarded by me as constituting a ground of preference, I could not at the same time, look upon either circumstance as creating a disqualification for office, if the applicant should prove to be in all other respects, well entitled thereto. I am, gentlemen, very respectfully, your obedient servant, M. VAN BUREN.

To Wm. W. Irwin, Ezekiel Birdseye, Wm. A. Simpson, Thaddeus Stevens, Edward S. Williams and Charles Ogle, esqrs.

HARBOR BILL.

The appropriations made by the harbor bill of the last session of congress, for New England, New York and New Jersey are as follows:

MAINE.

Breakwater on Sanford ledge, Portland	$10,000 00
Survey of a ledge near Owls-head harbor	400 00
Do. of the passage into Cobscock bay	300 00

NEW HAMPSHIRE.

Deepening channel of Cocheco branch of Piscataqua river	5,000 00

MASSACHUSETTS.

Improvement of harbor at mouth of Bass river	10,000 41
Removing wreck in New Bedford harbor	10,000 00
Breakwater at Sandy bay	10,000 00
Preserving the point of land leading to fort, &c. Duxbury	5,000 00
Do. Rainsford Island, Boston	15,000 00

RHODE ISLAND.

Breakwater at Church's cove harbor	10,000 00

CONNECTICUT.

Removing bar at mouth of Connecticut river	20,000 00
Improving harbor of Westport	3,000 00
Sea wall in Black Rock harbor	10,000 00
Securing public works in Southport harbor	1,500 00
Securing the breach at Cedar Point	1,000 00
Deepening channel of river Thames	10,000 00

VERMONT.

Breakwater in Burlington harbor	10,000 00
Deepening channel between N. & S. Herom Lake Champlain	15,000 00

NEW YORK.

Improvement of Portland harbor, Lake Erie	10,000 00
" at mouth Salmon river Lake Ontario	5,000 00
" " Oak Orchard creek "	5,000 00
" " Black river "	5,000 00
Breakwater of pier at Plattsburg "	10,000 00
Improving harbor mouth Cattaraugus creek	15,000 00
Do. entrance of Whitehall harbor, Lake Champlain	8,000 00
Ice-breaker on Staten Island	19,500 00

NEW JERSEY.

Improving harbor of New Brunswick	7,000 00
" Little Egg harbor	5,000 00
Survey of Crow Shoal, Delaware bay	1,000 00

ICE ISLANDS IN THE PACIFIC.

We have been favored, says the New York Express, through our attentive correspondent at New London, with an interesting account of large bodies of ice, fallen in with by ship Mentor, which arrived at New London on Sunday. We give the description in capt. Rice's own language.

"May 19th. Fresh gales from N. N. W. and hazy, at 3½, P. M. heading E. by N. ½ N. saw three large icebergs direct in our course; at 5 P. M. (dark) considering it unsafe to run, took in sail and hove too, head to E. N. E.—at 10 P. M. set the foresail, and stood leisurely along—saw many icebergs, and were under the necessity of veering each way to keep the ship clear of them; saw 17 large islands, and many smaller ones in the course of the night. At 4 A. M. finding as far as we could see a clear space, free from ice, wore ship westward, and concluded to lay by until daylight; at 8 A. M. (daylight) thick and raining; at 8½ brightened up a little, discovered that we were *completely embayed* in the ice on all sides, and none of it farther from us than a mile, could not see any place of egress—the ice forming a complete circle around us, made sail and commenced beating to windward—could not see more than a ship's length. At 11 A. M. discovered the passage by which we entered—at 12 were out of our *ice lagoon*—the 'chops' extending each side of the entrance two to three miles, and were compact; many small islands in the 'entrance.' The chops presented two square sides 300 feet high—the surface smooth as a mirror, and apparently 4 to 5 miles square. At this time in lat. 56 00 S. lon. 108 00 W.

"20th. Fresh gale from northward, and raining, at 1 P. M. lighting up, saw many icebergs, very large, in all directions, from the size of a boat to islands 500 feet high, and 4 to 6 miles circumference; at 5 P. M. heading N. could see none in our way, having all in sight astern, and being dark, hove too, latter part calm, foggy, drizzling rain—could see nothing but 'long faces.' No observation.

"From the 20th May to 4th June generally thick, with strong breezes from W. S. W. to S. E. On latter date were in lat. 50 39, lon. 79, W. Saw many islands of ice during the whole time—some of them very large.

"The first ice we saw was in the afternoon of the 18th May—very foggy—studding sails all set, going at the rate of 7 knots—discovered it immediately ahead, and only a mile off, and in two minutes or so could not see it at all, on account of the density of the atmosphere. It had the appearence of land, and by some on board was so pronounced. We, however, soon corrected the error—on the night of the 19th we became embayed as before stated, and were amidst ice until June 4th, a period of 17 days—which is a strong argument to do away the old established idea of 'no ice to the westward of Cape Horn,' we saw none, nor the least indication of it to eastward of longitude 79 west, and it was in greater abundance in 56 lat. S. than to southward or northward of that parallel."

AN ESSAY ON CALCAREOUS MANURES.

BY EDMUND RUFFIN, OF VIRGINIA. SMALL 8vo. pp. 242.

From Loudon's (London) Gardener's Magazine.

The object of this essay, Mr. Ruffin informs us, is to investigate the peculiar features and qualities of the soils of tide-water districts of Lower Virginia; "to show the causes of their general unproductiveness; and to point out means, as yet but little used, for their effectual and profitable improvement." The

sterility of these soils Mr. Ruffin has ascertained to arise from their being destitute of calcareous earth, and from their being injured by the presence of vegetable acid.

After two chapters on earths and soils generally, and on the soils and state of agriculture in the tide-water districts of Virginia, the author treats of the different capacities of soils for improvements, and discusses the following propositions:

1. "Soils naturally poor, and soils reduced to poverty by cultivation, are essentially different in their powers of retaining putrescent manures: and, under like circumstances, the fitness of any soil to be enriched by these manures, is in proportion to what was its natural fertility.

2. "The natural sterility of the soils of Lower Virginia is caused by such soils being destitute of calcareous earth, and their being injured by the presence and effects of vegetable acid.

3. "The fertilizing effects of calcareous earth are chiefly produced by its power of neutralizing acids, and of combining putrescent manures with soils, between which there would otherwise be but little, if any, chemical attraction.

4. "Poor and acid soils cannot be improved durably or profitably, by putrescent manures, without previously making them calcareous, and thereby correcting the defect in their constitution.

5. "Calcareous manures will give to our worst soils a power of retaining putrescent manures equal to that of the best; and will cause more productiveness, and yield more profit, than any other improvement practicable in Lower Virginia." (p. 30.)

These propositions contain the marrow of the essay, which is closely reasoned, and, in several particulars, original. Mr. Ruffin has the merit of first pointing out that there can be no such thing as a naturally fertile soil, without the presence of calcareous earth; but, where this earth is present, the soil, however exhausted it may have been by culture, will, when left to itself, after a time regain its original fertility: that soils which contain no calcareous earth are never found naturally fertile, except masses or beds of vegetable matter, which are not properly soils: and that all that art can do to them, exclusive of adding calcareous earth, is, to force crops by putrescent manures; but that, when these manures are withheld, the soil will speedily revert to its original sterility. Mr. Ruffin observes that no agricultural or chemical writer ever denied these facts; but he asserts, and we think with truth, that by not one of them have they ever been distinctly stated. We are not quite certain as to Grisenthwaite, but we are so as to Kirwan, Dundonald, Davy, Chaptal and other agricultural chemists of the continent. Mr. Ruffin allows that it might be inferred from the ingredients exhibited by the analysis of fertile soils, as given by these chemists, that calcareous earth was an ingredient essential to permanent fertility; but still none of them have ever distinctly said so. We shall probably examine the work more in detail hereafter: in the mean time, it is due to Mr. Ruffin to state it as our opinion that he has performed a very important service to the scientific agriculturalist in this country, as well as in America.

EXTRAORDINARY PERFORMANCE OF A LOCOMOTIVE.

We published some weeks ago a hasty paragraph respecting the ascent of the inclined plane near the Schuylkill of the Philadelphia and Columbia rail road, by a locomotive dragging passenger cars.

We now take from the Rail Road Journal of 30th July, a statement by the editor of that journal, who was a witness of what he relates, of a second performance, which seems to exceed greatly every expectation previously entertained of the capability of a locomotive to overcome elevations.

We take this opportunity to commend the number of the Rail Road Journal from which we make this extract—it is that of 30th ult.—to the particular attention of all who may chance to see it. Its contents are of the greatest interest to persons embarked in the cause of internal improvement, and should, we think, procure for the journal very extensive circulation and patronage.

Excursion to Philadelphia, and remarkable performance of the locomotive "George Washington."

In pursuance of our request, Mr. Norris made arrangements with the commissioners of the Columbia rail road for the use of his locomotive.

Tuesday, July the 19th, was the day appointed for the trial.

We left here on Monday afternoon at 4 o'clock, accompanied by Mr. George N. Miner of this city, Mr. Theo. Schwartz, of Paris, and Messrs. Elliot and Beats, of Alabama. Mr. S. who was to sail for Europe the next day, gladly made the trip, with a view to carry home his own testimony as an eye witness.

On Tuesday morning, two cars, drawn by horses, set out with a party of upwards of forty. We arrived at the foot of the inclined plane before 6 o'clock, while the rails were yet quite wet with dew.

On our arrival, it was found that, owing to accident or design, while fire was burning, the water had been blown out of the boiler so as to endanger the tubes. The result was a leakage of some consequence during the day.

The engine started at the foot of the plane and on the plane. After proceeding a few feet, the wheels were found to slip, and the engine returned. It was said that the rails were found to have been *oiled* at this place. A small quantity of sand was strown over the spot and the engine again proceeded. She regularly and steadily gained speed as she advanced to the very top, passing over the plane in 2 min. 24 sec. The enthusiasm of feeling manifested cannot be described. So complete a triumph had never been obtained. The doubts that had been entertained by some, and the fears of others, were dispelled in an instant. The eager look that settled upon every one's face, gave way to that of confident success, while all present expressed their gratification in loud and repeated cheers.

The length of the plane is 2,800 feet.

The grade 369 feet to the mile, or 1 foot rise in 14.3, which is a much steeper grade than the planes on the Mohawk and Hudson rail road, those being 1 in 18.

Making an ascent of 196 feet in 2,800 feet.

Weight of engine with water, 14,930 lbs.

Load drawn up the plane, including weight of tender with water and coal, two passenger cars and 53 passengers, 31,270.

Pressure in the boiler, less than 80 lbs. to the square inch.

Time of running, 2 min. 24 sec.

It is to be remembered that the rails were wet with dew.

As to the oil, it was afterwards mentioned that bets were made with the workmen to a considerable amount, and those having been lost by the successful performance of the engine on a former day, were now quadrupled, and to save themselves it is not unlikely that this means was provided to accelerate the descent rather than the ascent of the engine.

The party again embarked after examining the workshops, and proceeded to Paoli to breakfast, and thence to Lancaster, the engine conveying in at the same time a number of freight cars.

The unfortunate location of this road is very evident, frequent and short curves are introduced so uniformly, that it would be supposed that such a location was to be preferred to a direct one. Having a desire to witness during the passage the surrounding country, which is most beautiful, we seated ourselves on the outside; but alas! we were obliged to recall our practice at ducking the head, acquired on the Erie canal. In transverse bridges this may be excused, but in viaducts for the rail road itself—if this must be covered—we see no reason for leaving not more than a foot clearance from the top of the cars. The locomotive bows its chimney head most respectfully to every one of the bridges: meanwhile, the smoke, unstrained of its sparks, fills the small space left, and most effectually dredges the passenger. The practice of using but three rails for two tracks is most villainous, especially as the bridges are covered.

We arrived safely at Lancaster and partook of an excellent dinner.

After dinner, the company were presented to governor Ritner, who was then in town. He afterwards accompanied the party some few miles from Lancaster and back again, when he left us, much gratified with his rapid journey.

We returned in a large 8 wheel car, a form that we much admired.

The whole weight attached to the engine (tender, &c. included), must have been over 14 tons, if not 15. The time of running (exclusive of stoppage), from Lancaster to the head of the Schuylkill inclined plane, was 3 h. 11 m. being a distance of nearly 67 miles. This, it is to be remembered, was over a road having curvatures of less than 600 feet radius, up ascents of, sometimes, 45 feet per mile. On level and straight portions of the road, a velocity of 47 miles was attained.

As the trip had already been protracted, this engine was obliged to leave at the head of the plane, on her return to Lancaster the same evening, and we descended by the rope.

The bridge at this point, over the Schuylkill, is a very fine one, the masonry being of a very substantial character.

The following are the dimensions of the "George Washington" engine of Mr. William Norris:

Diameter of cylinders	10 1-4 inches
Length of stroke	17 5 8 "
Number of tubes	78
Outside diameter	2 "
Length	7 feet
Diameter of driving wheels	4 "
" truck "	30 inches
The engine is six wheeled, having two driving wheels.	
Whole weight of engine	14,930 lbs.
Actual weight on driving wheels	8,700 "

It must be remembered that there is no contrivance, as in some engines, for increasing the adhesion by throwing the weight of the tender upon the engines—the axle being in front of the fire box, preventing any such arrangement.

This engine, we are informed, is making the regular trips; though a full load has not yet been obtained, on account of the scarcity of cars.

The greatest load, as yet, drawn by it over the road, was 119 tons, gross weight, in 22 cars. The engineer confidently expects to draw 150 tons, at 12 or 15 miles per hour. She now usually works with 70 lbs. pressure of steam. Mr. Norris considers that these fine effects are owing to an improvement in the adjustment of the valves—which he has attained after a long series of experiments.

MR. O'CONNELL'S ADDRESS TO THE PEOPLE OF IRELAND.

"Hereditary bondsmen, know ye not,
"Who would be free, themselves must strike the blow!"

London, July 4, 1836.

FELLOW COUNTRYMEN: I address Irishmen of every rank and profession, of every creed and station, from the peer to the

peasant—from the wealthiest merchant to the poorest laborer—from the highest archbishop to the most humble of curates—Protestants, Catholics, Presbyterians, Dissenters—I address them all.

I do call on them—on each and on all—first, to understand the precise state of Irish affairs, to understand it thoroughly; and, secondly, to act as integrity and honor shall and do dictate.

This, then, is the state of Ireland. It can be portrayed in a few distinct propositions:—

First. Ireland is one of the most fertile countries in the world, and one of the most productive of all the necessaries of life. She has the poorest population of any other country on the face of the globe.

Second. Abundance and starvation go hand in hand—provisions are exported in abundance, the people are perishing from starvation.

Third. In Ireland the church is established, and endowed by law with national wealth, is the richest in the world. It has the smallest number of votaries; the Protestants are comparatively the smallest number in any country called Protestant in the world.

Fourth. Again, the richest Protestant church in the world is surrounded by the poorest Catholic population.

Fifth. This poorest Catholic population in the world are compelled by law to support one church with which they hold no spiritual communion; and compelled by conscience to support another church with which they are in communion. Thus the poorest Catholic population in the world is burdened with two churches—its own and a strange one.

Sixth. The lands of Ireland produce in rent, it is calculated, £12,000,000 sterling annually. The precise amount is not material to our present purpose, it being certain that such rents amount to many millions. Yet there is an almost complete deficiency of capital for agricultural improvement. This almost unnoticed phenomenon is, perhaps, one of the most significant of general poverty and distress; but this, alas! is not matter of theory, for—

Seventh. Ireland pays to absentees a tribute amounting certainly to more than £6,000,000—probably exceeding £7,000,000 sterling annually; while out of the 8,000,000 of her inhabitants, the enormous and most appalling number of more, much more, than 3,000,000 are actual beggars, living for a considerable part, or for the entire, of the year, on alms and charity.

Eighth. The people who are thus immersed in poverty are the most ready and anxious for employment. They are among the best, if not the very best, laborers in the world; indeed, they traverse the globe to find employment. Besides the swarms they send out as permanent operatives in the factories and cities of Great Britain, scores of thousands of them travel on foot 1,000 miles and upwards, in coming and going, from the remotest part of Connaught to the extreme of Kent, and all intermediate places, to earn the wages of a few weeks in each harvest.

Ninth. The climate of Ireland is very salubrious—the soil of Ireland is exuberantly fertile—the mineral treasures of Ireland in coal, lead and copper ores, are known to be abundant. The impetuous streams of Ireland furnish a mill power cheap in its nature, and, at the same time, greater in efficient quantity than in any country of five times its extent in the world. Its navigable rivers intersect the fairer and richer parts of the island for hundreds of miles, and form at their mouths estuaries which furnish secure ports for the heaviest vessels for scores upon scores of leagues. The other harbors of Ireland are open at every hour of every tide, and secure from the violence of every wind that blows, while the position of Ireland, the westernmost land of Europe, the best eastern point for the trade of the myriads of new nations of America, entitles her to be the entrepot of the commerce of the universe.

Tenth. The people of Ireland are active, industrious, shrewd, intelligent, faithful, honest, moral, religious. In no country upon earth are there so few crimes committed in proportion to the population, against property or good morals—if you deduct, as you ought, the agrarian outrages which belong to a state of war, and partake altogether of the criminal nature of warfare. Again, the tenacity with which the Irish nation have adhered, through proscription, plunder and blood, to the faith they deemed best, entitles them to the admiration even of those who believe that faith erroneous.

Eleventh. With such a country—with such a people—the manufactories are few, the mines nearly unexplored, the commerce confined to the export of provisions, and the imports little more than for the consumption of the garrison, police, revenue and church establishment, while, it must be repeated, more than 3,000,000 of its inhabitants are living upon alms and charity.

Such is the state of Ireland—such are her capacities—such is her destitution. Understand this well; Ireland, the most capable of wealth and strength, and comfort and happiness, is involved in distress and dissension, destitution and faction, pitiless pelting, oppression and misery, in every shape and form, evils great and pressing for the present—miseries fearful and appalling in the prospect of the future.

Now this being understood, are there any facts—clear and undoubted facts—to explain these strange anomalies?

Yes, there are—clear and undoubted facts. Let us begin another series of numbers.

First. The Irish people have not for the last six centuries governed themselves. They have been ruled by English taskmasters, with one short and evanescent exception.

Second. The English government has unfortunately, under one pretext or another, refused to admit the Irish people into a community of equal rights and privileges.

Third. The Irish people have repeatedly—indeed almost continually—demanded, implored, beseeched, to be admitted into a community of laws and rights with England. They have been uniformly refused, except when they happened to be the strongest, and extorted a part of that which would otherwise have been withheld.

Fourth. Justice, justice to Ireland, required equal participation of rights with England. It was always refused upon one pretext or the other. The alienage in blood and in language was at first the pretext—the alienage in religion became the second.

Fifth. It is 500 years ago since this amalgamation of the two nations into one was pressed upon the paternal attention of Edward III. That monarch favored the plan; but history tells us that then, as now, justice to Ireland was refused by the "great lords," because, as they at that time candidly avowed, they had an interest in continuing the abuses; 500 years have not taught any wisdom to the "great lords" of the present day. There is nothing new under the sun.

Sixth. One beam of sunshine brightens the murky pages of Irish history. It is the glorious era of 1782, and a few succeeding years. The progress of Ireland in commerce, in comfort, in wealth, in literature, during that bright and transitory period, appears unequalled in any other story. But something like madness lies in its contemplation. I turn to other topics.

Seventh. The value of domestic government was known to Ireland only to embitter its loss. The union was determined on—and by treachery and blood—by corruption and military force, the union was effected. Let us not dwell on these things for the present, but they must be noticed.

Eighth. The pretext—the assigned cause—the justifying purpose of the union, was to do complete justice to Ireland—to amalgamate both nations into one—to give Ireland a full, an equal participation of all the rights, of all the liberties, of all the privileges of the English nation.

Ninth. By the union there were not to be two nations, but one nation—conscience was to be respected and free—the "*paribus se legibus*," the "*invicte gentes*," the "*eterna in fœdera*," were repeated until the repetition disgusted; they were proclaimed and praised, and sworn to by king, lords and commons.

Tenth. The principle of the union was justice to Ireland—equal justice—any other principle would have been a crime.

Eleventh. The compact at the union was justice to Ireland—equal justice. It was, to be sure, a forced compact on one part; but upon the part of England, which used that compulsion, the compact was only doubly binding on that account.

Twelfth. But this compact, like every other theretofore made by the English government with the Irish people, was violated so soon after it was made as it was perfectly safe to do so.

Thirteenth. Ireland was admitted into a full participation of all the burdens of England; she has been to this hour deprived of any equal or just participation of the liberties, rights and privileges of England.

Fourteenth. The first instalment of the debt due by England to the Irish people, by virtue of the union compact, was not conceded voluntarily, but was extorted by the concentrated energy of the Irish people, after a struggle of no less than 29 long and tedious years.

Fifteenth. Ireland continued, as before the union, to be governed by and for a faction. That faction was encouraged daily into greater insolence and more organization. Lord Anglesy—heaven help him—rearmed the entire of the yeomanry of that faction.

Thus, until the last appointment of lord Melbourne's administration—until, indeed, lord Mulgrave became lord lieutenant, admirably choosing lord Morpeth for his secretary—until the government of lord Mulgrave, justice to Ireland was a name and a mockery; the faction were everything—the nation nothing. The bench, the crown lawyers, the officers of the revenue and customs, the magistracy, the grand jurors, and as often as possible the petit jurors, the sheriffs, the police—all, or nearly all, belonged to the faction; and rank and station, and honors and emoluments, were distributed in the exact proportion to the rancorous and successful exhibition of hate, malignity and peculating bigotry.

Such is the epitome of Irish history—such are the causes of Irish misery. The government has been upon a wrong basis; the people of Ireland have been governed with a wrong intention. Injustice, iniquity, partiality, the withholding of franchises and rights—in short, injustice has been the foul but continued basis of Irish government.

What man of common reflection, or gifted even with the slightest glimmering of common sense, but must see these two things—first, the prolific cause of the woes and destitution of Ireland—next, the obvious mode of changing her fate, and improving her fortunes?

Injustice has been the bane and curse of Ireland. Upon justice she builds her hope of melioration and improvement.

But a new era opened upon us—a new prospect brightened before us. The renewed administration of lord Melbourne felt

the necessity as well as the propriety of doing justice to Ireland. Lord Mulgrave at once carried into practical effect all that the existing state of the law would allow him of fair play and impartiality; discountenancing every faction; looking to merit alone for the objects of his choice; banishing all considerations of sectarian preference or sectarian exclusion; despising with manly firmness, the threats and the calumnies of an infuriated and sanguinary party, and calmly doing equal justice to enemies as to friends. A young and a new hope sprung up for Ireland—ancient injuries and recent prosecutions and coercions were all, all forgotten or forgiven—and Ireland at length exulted in the expectation that her resources would be developed, her industry encouraged, her feuds healed, and her people combined in one bond of allegiance, interest and freedom, with the hitherto more favored people of Britain.

But if the prospects of these blessings were to depend on the active virtues of individuals for their own support, they must in their nature be precarious and transitory—the brightness of a moment to make the permanent gloom more terrible. Accordingly, the kings government determined to give permanency to the measures of justice, and in effect to give to Ireland at length the benefits of the union.

Alas! how many topics of the deepest interest am I obliged to pass over in order to hurry to those practical measures which the exigencies of the present portentous crisis of Irish affairs absolutely demand!

The king's government, then, in the present session, contemplated three great measures:—

First—The amendment of the Irish reform act, by giving a more easy and honest mode of legislation—by diminishing the amount of the franchise to the more reasonable dimensions contemplated by the legislature, and preventing the fraudulent creation of votes, especially in towns and cities. There is not the least chance that the house of lords will pass that bill.

Second—To bring within a more reasonable compass the enormous revenues of a sinecure church, and to appropriate the surplus, after supplying the spiritual wants of the Irish Protestants, for the purpose of the moral and religious education of all the people. This bill is also doomed to meet its fate by being strangled in the house of lords.

Third—The municipal corporation bill—mark its history and blush for shame—I know you are men, and that the burning blush of shame is already on your cheeks. Mark its history; it passed the house of commons shorn of some of its utility. The selfish and base hostility of the tory slavish faction in the lords was known; and, therefore, to appease its virulence, the ministry made a concession which they ought not, in my opinion, ever to have made. They consented to deprive the reformed Irish corporations of the power to nominate persons for the office of sheriff, and they limited the power to nominate magistrates.

Yet, with these concessions, the lords contemptuously mutilated, disfigured, destroyed the bill. Not a single vote was obtained by these concessions—nay, they were used, and it was retributive justice that they should be so used, as an argument against the bill.

Well, the mutilated bill came down to the commons; the ministers again made concessions—more concessions than in my conscience I am now convinced ought to be made; I mention these things as part of history, and to protest to the people of Ireland that I, for one, will never again, directly or indirectly assent to any such concessions.

But this moderation—this disposition of conciliation, has had one good effect—it has placed the ministry and the commons more in the right—it has placed the haughty and arrogant lords more in the wrong.

The lords received these concessions contumeliously, and contemptuously restored the bill to all its original mischievous operation, as it came out of their hands.

Mark the consequences:—

Scotland enjoys reform and popular municipal corporations.

England enjoys reformed municipal corporations.

Ireland is refused any such reform.

To this injustice is superadded insult.

Is not the injury enough—is not the injustice sufficient? No—one thousand times, no. Misery has been borne by Ireland—injustice has been endured for centuries by Irishmen.

But insult—daring foul insult, has been superadded—insult from the ungenerous and heartless tyrant, Wellington—insult from the mean and creeping Vesey Fitzgerald—insult from the basest of the base, whose foul name shall not pollute my page. Insult, Irishmen—insult.

The lion in the fable was dying when the ass dared to kick him. Ireland is not dying, neither sleeps she, nor shall the asses kick her with impunity.

"The nations have fallen, but thou still art young."

Yes, Ireland, my country—thou art young in the strength, the energy, the patriotism of thy sons. Yes, by the concentration of thy energies hast thou already burst the manacles of ages.

But let us at once commence the organization of the public mind—the combination of the virtuous and the good. We already succeeded in the strife when only some of the Irish were interested in that success; when our efforts bore, in spite of us, a sectarian character. Shall we not now succeed when all Ireland—when Irishmen of every creed, sect and persuasion are equally interested—when every Irishman that lives is involved in one common injustice, and is tarnished and tainted by one common insult?

Rally, then—let us rally round the king's government and the rights of Ireland. Justice to Ireland is our watchword, our motto, our daily cry, our only object, our great reward.

Justice to Ireland—speedy, equal, complete justice to Ireland.

Let us not consume one moment in reproach or in anger, in expostulation or in resentment. The injury—above all, the insult—is too deep, too degrading, to find any resource in complaints or words.

Let us be up and doing.

We are degraded below the level of human beings as long as the foul stain of this daring insult remains upon us.

I have been among those who have led you already to victory—the lowliest, but among the most zealous of them all. I offer myself to you again, to lead you to success more certain and complete.

England must do us justice, or we will do justice to ourselves.

But the course of this struggle must be like the last—without a breach of any law—without a violation of any duty—without a crime before man—without a sin before God—unstained with any injury to the property of any human being—entirely free from the pollution of one drop of blood.

Hasten, then, to another moral combination—hasten, then, to procure a remedy for the past, to prevent the more hedious mischiefs with which the future threatens us. If the Lyndhurst gang in the lords are allowed with impunity to rejoice over their insolent injury to Ireland, success will necessarily encourage them to farther darings. The sword of destruction was once before theatrened by Wellington. I believe him to be now as willing, though less able to wield it. That sword may sweep over Ireland for destruction, unless every honest and good man arouses him now at my call and the call of Ireland—unless there be a vow unspoken but recognised in the heart's firm determination to exert every faculty of mind and body to wipe off the foul insult, and to procure justice for Ireland.

This, then, is my manifesto to the people of Ireland, to the reformers of Great Britain, and to the friends of rational liberty all over the world.

I proceed at once to the plan which I most respectfully and earnestly press on the consideration and for the adoption of the people of Ireland.

Let us first see what are our duties. They seem to me to be threefold—

1st. To rally all our exertions for the support of the king's government. The safety of Ireland—of the lives and properties of all classes in Ireland—its freedom from the horrors of anarchy and servile war—all depend on the stability of the present ministry. Let us, then, rally round the government of lord Melbourne, and give it all the aid we can in and out of parliament. Heart and hand let us aid lord Mulgrave in Ireland.

Our second duty is to exert all the influence we possess to preserve the internal peace of Ireland—to prevent or to suppress agrarian outrages of every description—to advise, control, protect the people—to protect them from their own natural resentments, as well as from the insidious equally with the open machinations of their enemies.

The third and chiefest duty, because the best instrument of the other two, is the immediate formation of an active society to regulate all legal and constitutional exertions in the paths of peace and with the fervour of freedom—a body free from any legal objection, or any moral reproach.

I propose that we immediately form an association, to be called "the general association of Ireland."

The name of national has been suggested, but I prefer that of general, simply because the present experiment must have completely failed—and this association, intended for other purposes, must stand dissolved before we form that other association, to be called the national, and which can be rendered necessary only when it is demonstrated that justice for Ireland cannot be obtained without a repeal of the union.

The general association of Ireland will require no profession of any principles, save those of obtaining justice for Ireland through the instrumentality of the united parliament.

The national association, should it hereafter become necessary, will be composed of repealers only.

I propose that the objects of the general association of Ireland should be confined to these two—

1st. To obtain peaceably, and by legal means, a settlement of the tithe question, in a mode perfectly satisfactory to the people of Ireland.

2d. To obtain municipal reform for Ireland upon the same principle, and to the same extent, with that obtained by the people of Scotland and of England.

The association to stand absolutely dissolved the moment these two objects are achieved.

Thus, temporary in its nature, and most useful in its ends, it will deserve, and I am confident obtain, the full confidence of the people of Ireland of all classes, creeds and stations.

This association must be unconnected with any other body, society or union. This seems to me, and I have some experience in these matters, to be essentially necessary to the freedom of its working and the permanent utility of its exertions.

The admission to be regulated precisely as in the Catholic association.

The rules of proceeding adopted by that association will be found to have had the benefit of a long experiment, and have

already secured good order and perfect freedom of debate. I respectfully suggest the appointment of a committee to report such of those rules as should be adopted.

Of course nothing could be more abhorrent from the general association of Ireland than any exclusion on account of religious or political distinction. Whoever will now work for Ireland should be hailed with the delicacy and fervour shown by all good men to adversaries becoming proselytes to more liberal opinions.

But the chief staff and support of the new association will be the institution of an annual rent, upon the same basis with the late Catholic rent, and to be called "the rent for Ireland." The victims of illegal tithe exactions demand assistance, and the resistence to oppression will require, in one thousand ways, pecuniary aid. "The rent for Ireland" will, I trust, soon rival the Catholic rent in utility and efficacy to procure success.

Let every man who pays £1 be a member of the association, with power to speak and vote—let every man who contributes 1s. be "an associate," and be enrolled on our books, and entitled to all the protection we can give him.

This letter has necessarily grown into great length, but it does not contain one-tenth of the materials with which my mind is loaded on this most interesting subject. I see distinctly that the house of lords have taken their stand to effectuate a counter-revolution. They are determined to render useless, and in fact to annihilate, the reform bill; and it is quite plain that if they are not crushed in and by the attempt, they will succeed. The result of such success would be the imperative necessity for, and the inevitable accomplishment of, a violent and probably sanguinary revolution.

Those, therefore, who with me abhor violence and shudder at blood, will seek the paths of peaceable and constitutional agitation—will form those tranquil but energetic combinations which, looking to the franchise and registry—to the moral influence of public opinion—to the straitforward efforts of the disinterested lovers of human freedom and human liberty—will become, without turbulence or any crime, too powerful for any unjust or tyrannical resistance, and will secure constitutional liberty without the commission of any crime, or the liability to any reproach.

I propose to be in Dublin as soon as I can, to assist in the organization and arrangement of the general association of Ireland. I intend also, on Wednesday, to direct a letter to its secretary, with my contribution to the "rent for Ireland" for the year 1836.

We are involved in a crisis of great and most portentous magnitude. Firmness, patience, tranquility, perseverance, energy—these are the qualities now necessary—above all, unremitting perseverance.

I never despaired of Ireland. My mind is now full of great hope and high resolve. I have the honor to be, fellow countrymen, your ever faithful servant, DANIEL O'CONNELL.

THE ISTHMUS OF PANAMA.

It appears that the project of a law granting to col. Charles Biddle the privilege of making a rail road and canal from Cruces to Panama, to connect the Atlantic and Pacific oceans, has failed in so far, at least as was intended to be exclusively in favor of col. Biddle and his associates. A law, however, has been enacted, and has received the sanction of the executive, which granted the privilege to those who shall offer the *greatest advantages to New Grenada*, which means that the highest bidder shall take it, as we would say in this country. But the law as passed seems to have been a compromise among the applicants for a grant, and we suppose that col. Biddle is still interested and is associated with some of the natives, and perhaps Englishmen. The prospect for a serious and vigorous prosecution of the enterprise seems to be promising, and if we can learn that some of our capitalists, who understand rail road and canal making, are interested in it we shall entertain sanguine hopes of its completion or if English capitalists, engage in it, it may go on. But the natives, we apprehend, though abounding in zeal and public spirit, may be rather deficient in capital and skill. But whether the work be commenced under native or foreign auspices, we say success to it! The following are some of the principal provisions:

The privilege is made exclusive to those who offer the best terms.

The law is void, if baron Thierry, who has a prior grant, shall complete a canal, which he has undertaken to make across the isthmus.

The government agrees to sell to the grantees about seven hundred thousand acres of land, at about fifty cents the acre, in gold or silver, or in evidences of the consolidated domestic or foreign debt. Besides, it makes a donation of about 140,000, to be forfeited if the grantees fail to comply with the conditions of the grant.

All the expenses of surveying, and of perfecting titles, to be at the cost of the grantees.

Settlements of foreigners are to be formed, but no slave or freed man is to be admitted, and the colonists are to ask for letters of naturalization within six months. If they fail to do so, they will not be regarded as settlers.

The grantees shall fix the rates of goods and fares for persons but it shall be the same to all nations.

The grantees shall pay to the government at least two per centum on the clear profits, which shall be applied to the liquidation of the foreign debt.

At the end of forty-five years, the rail road and canal shall be ceded to the government, in good order, and that portion of the donation of land that may be necessary.

The transit of the subjects of any nation at war with New Grenada, is prohibited.

The grant cannot be leased or alienated to any foreign government.

All controversies are to be decided by the tribunals of the republic, and according to the laws of the country. [*Globe.*

TRADE WITH THE SANDWICH ISLANDS.

We copy the following from a correspondent of the Boston Mercantile Journal, who has resided at Honolulu, and who has had abundant means to obtain information. It is an accurate exhibit for 1834; since that year trading foreigners have multiplied and business increased.

Imports into the port of Honolulu, island of Oahu, for the year 1834:

From the United States of America,	$82,000
" Valparaiso and Lima,	36,000
" Coast of California,	62,000
" China,	42,000
" Society and other south sea islands,	4,000
" America and England, per whale ships,	20,000
" New Zealand and New S. Wales,	16,000
" Columbia river and Russian settlements,	10,000
	$272,000

The articles imported from the United States, and Chili and Peru, consist of American domestic cotton cloths, prints of calicoes, hardware, sheathing copper, cordage, canvass, naval stores, paints, iron, ship bread, nails, glass, and salt provisions, rum, brandy, gin, wine and furniture.

From California—otter skins, and bullock hides and horses. From China—silk and cotton goods, nankins, teas, sugar, &c. From Society and other islands in the southern hemisphere—pearl shells, turtle shells, sugar, cocoa nut oil, &c.

The articles landed from whale ships are generally the same as those imported in American merchant ships. From New Zealand, New S. Wales and Columbia river, we receive boards, plank, spars and fish.

In the foregoing estimate no account is made of the large quantity of goods brought to this port, destined for other markets, and of course taken away again without landing or exchanging hands.

Exports from the port of Honolulu, island of Oahu, for the year 1834.

Sandal wood, 7,000 piculs (large and small),	$40,000
Sea otter skins and other furs,	55,000
Bullocks' hides,	20,000
Spermaceti, black, rukui and cocoa nut oils,	20,000
Turtle shell $1,000, pear shells $3,000,	4,000
Salt $3,000, goat skins $3,000,	6,000
Provisions, vegetables and other supplies to the American and English whale ships, which they barter for in exchange for goods, or draw bills of exchange upon England and America,	70,000
Merchandise imported and again exported, principally to California and other Russian settlements in N. W. America,	50,000
	$265,000

List of vessels owned by foreigners residing at Honolulu, and engaged in the trade to California, Russian settlements, China, &c. &c. 1834.

	tons.	value.
Ship Rasselas,	307	$12,000
Barque Don Quixotte,	257	10,000
Brig Lady Wrangell,	140	10,000
" Avon,	130	10,000
" Diana,	190	8,000
" Convoy,	135	6,000
" Tranmere,	200	10,000
Schr. Loriot,	100	3,500
" Unity,	65	4,000
" 4th July,	60	3,000
" Harriet,	60	3,500
" Victoria,	50	2,500
" Thetis,	35	2,500
" Flibberty Jibbett,	37	2,500
		$88,500

Arrivals year 1834.			
American whale ships,	99	89,908	barrels oil.
English do. do.	17	14,400	" "
Merchant ships,	9		
Merchant brigs,	27		
	159 vessels—total number of		

tons, 46,416, besides an English sloop of war.

The value of houses, wharves and other landed property owned at Honolulu by Americans and English, cannot be estimated less than 100,000.

The whole amount of property at port of Honolulu actually owned or on deposit and belonging to foreigners, is not less at any time than half a million of dollars, of which $400,000 is the property of Americans, and $100,000 English.

END OF THE FIFTIETH VOLUME.

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